

**EMPLOYMENT FIRST REPORT
TO THE LEGISLATURE AND GOVERNOR**

7/12/11

DRAFT

Letter of Introduction

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Executive Summary

“Community inclusion is fundamental to the whole idea of individuals with developmental disabilities finding jobs and choosing the ‘best’ support (natural or paid) to maintain employment.

School Age children must be included in their school and community when they are young. That’s the foundation we build everything on.

Work leads to health and well-being – self-esteem, confidence, and more income. Also important it leads to increased social networks and making contributions to the greater community like paying taxes and having buying power.”¹

AB 287

AB 287 (Beall) 209 became law in 2009. The law directs the council to:

- Form a standing Employment First Committee;
- Develop an Employment First Policy;
- Identify the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for individuals with developmental disabilities;
- Identify strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for individuals with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers;
- Identify existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of individuals with developmental disabilities;
- Recommend legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated

¹ Consumer Subcommittee, Employment First Committee, January 6, 2011

employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older;

- By July 1, 2011, and annually thereafter, provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed Employment First Policy.

California Trends in Employment²

Individuals with developmental disabilities are much less likely to have the opportunity to work than individuals without disabilities and earn less than half what the general population earned from working.³ Additionally, supports that would help individuals with developmental disabilities achieve integrated competitive employment are not always available or at sufficient levels.

The majority of working age adults with developmental disabilities is supported in segregated non-work programs or facility based employment. Data from 2009 show the following:

- While there are no specific data in California for working age individuals with developmental disabilities in California, approximately 70% of working age adults in California are in the workforce (either employed or unemployed), as compared to 30% working age adults with any disability and 20% working age adults with a “mental disability”.⁴
- 15% of individuals with developmental disabilities served by the Department of Developmental Services (DDS) were provided services in integrated employment; 70% community based non-work settings; 15% facility-based work and non-work.
- 26.5% of working age individuals with developmental disabilities living below the poverty line versus 13% of the general population.

² The 2009 data reported here are the core elements of the Institute for Community Inclusion's IDD Agency National Survey of Day and Employment Services. These data focus on participation in integrated employment, community-based non-work, and facility-based services.

³ American Community Survey, 2009

⁴ Defined as difficulty learning, remembering, or concentrating.

- The mean weekly earnings of individuals with a cognitive disability at closure from Vocational Rehabilitation Services were \$212.
- In 2007, individuals without a disability nationally earned a mean weekly wage of \$771 as opposed to \$223 for individuals with developmental disabilities in California.
- Educators, adult service agencies and service providers face barriers to collaboration, including a lack of knowledge about each other's systems and bureaucratic constraints that complicate service coordination.
- No one state or local agency is responsible for charting out cross system services, locating gaps or measuring progress on the employment status of individuals with developmental disabilities (occupation, hours worked, salary, job maintenance or promotion, service setting and benefits received).

Employment First Committee Process

In response these mandates, the Council formed an Employment First Committee (EFC) in September 2010. The EFC is composed of service recipients, state agencies, and advocacy organizations. In addition to the official committee, interested parties were invited to and actively participated in the EFC deliberations. Representatives included self-advocates, family organizations, state agencies, service providers, and a union representing employees.⁵ Further, all meetings were publicly held, in accordance with the Bagley-Keene Open Meeting Act.⁶

At its initial meeting, the EFC and other interested parties formed five subcommittees to address barriers to employment, public benefits and employment, employer issues, innovative strategies, and transition from high school to adult life. Each subcommittee gathered information and developed proposed strategies designed to enhance employment opportunities for individuals with developmental disabilities. Those strategies form much of this report.

⁵ Please see Appendix E for a detailed roster.

⁶ California Government Code Section 11120 et seq.

Recommended Employment First Policy for California

It is the policy of the State of California that integrated competitive employment is the priority outcome for working age individuals with developmental disabilities.

In plain language:

WORK IS FOR ALL

Issues, Goals and Recommendations

Employment First is about focusing on real jobs, real wages and real business settings for individuals with developmental disabilities to have the ability to increase their income and benefits, accrue assets and build wealth. The present work builds on the foundation laid by SB 1270 that articulated core values and the need for expanded opportunities for individuals with developmental disabilities to work and participate in the community alongside their fellow citizens. Individuals with developmental disabilities are best suited to identify their own unique needs and how to best address those needs. Therefore, the services and supports provided must be individualized, culturally responsive, flexible and supportive of choice, change and control. For those individuals who receive services through the developmental disabilities system, the Employment First policy sets a direction while respecting the individual planning process as articulated in the Lanterman Developmental Disabilities Services Act.

The implementation of an Employment First Policy will require a shift in policies and rebalancing of existing resources across all relevant state agencies (education, employment, health, disability and human services) to support and encourage integrated employment outcomes. The following goals and objectives provide recommendations on policies, procedures, and practices in order to promote an employment first approach and document outcomes so as to measure success.

Interagency Collaboration and Coordination

Issue: Interagency coordination assists youth and adults with developmental disabilities who have needs across multiple agencies and gain access to services and supports for integrated employment. There are collaborative efforts in place; however, there is no overall framework for state or local agency collaboration and coordination. As a result, individuals with developmental disabilities do not have the necessary linkages and services they need.

Goal: Evaluate and reform existing state laws, regulations, guidelines, and operational procedures to institute systemic changes that increase agency collaboration and coordination towards the employment of individuals with developmental disabilities. These recommendations should increase interagency collaboration to develop an infrastructure to support and further employment as a priority outcome.

- Review current laws and regulations to determine if they can be strengthened to ensure adequate collaboration among the Departments of Education, Employment Development, Rehabilitation, and Developmental Services, schools districts, regional centers, and service and support providers, and employers to promote, develop, and support work experience, training, and on-the-job training for students with developmental disabilities.
- Maximize system efficiency through interagency collaboration and coordination between California Department of Education (CDE), Department of Rehabilitation (DOR), Department of Developmental Services (DDS), Employment Development Department (EDD) and California Community College Chancellor's Office (CCCCO) focused on the transition of youth and working age adults with developmental disabilities into integrated gainful employment.
- Strengthen regulations and processes that encourage the blending and braiding of funds between CDE, DOR, DDS, EDD, and CCCCCO to ensure seamless collaborative strategies for better employment outcomes.
- Identify and disseminate best practices from partnerships such as DOR's College to Career Program where community colleges are providing inclusive education, job preparation, and placement services for gainful employment.

- Coordinate the availability and usage of assistive technology across systems for individuals with developmental disabilities.
- Develop and implement evaluation strategies to determine effectiveness of models for interagency collaboration and coordination.
- Review and analyze existing employment data and develop and implement a system to establish benchmarks and measurable outcomes for the number of individuals with developmental disabilities that are competitively employed in integrated settings.

Transition

Issue: A high proportion of students with developmental disabilities leave high school without being employed in integrated competitive employment or attending postsecondary education. While federal and state laws require school districts to provide transition planning and service, many stakeholders reported transition to be an especially problematic area. There is a significant need to adequately prepare students and their families to understand the range of available possibilities and facilitate transition to integrated gainful employment.

Goal: To ensure that students with developmental disabilities are adequately prepared for integrated competitive employment.

- Ensure that transition planning and services for students begins early in secondary school and such services should be included in individualized education programs, individualized transition plans, and individualized plans for employment.
- Ensure that all relevant agencies and partners participate in the transition planning process.
- Students have the opportunity to explore all postsecondary options, including college and other post-school training for employment.
- Provide students with opportunities for career exploration and preparation through peer mentoring work-based learning, internships, volunteer opportunities, and paid employment.

Getting Work

Issue: The majority of working age individuals with developmental disabilities is not in the labor force.

Goal: All working age youth and adults with developmental disabilities will have the choice and opportunity to work in jobs that are integrated within the general workforce and work side-by-side with co-workers with and without disabilities, earning benefits and competitive wages.

- Employment related training, services, and supports should target areas of present and future workforce growth with direct input from employers.
- Increase opportunities for individuals with developmental disabilities to pursue self-employment and the development of micro-enterprises or small businesses.
- Ensure supports are provided as needed and that generic resources, including natural supports within the family, community, and work setting are included as much as possible.
- Showcase parts of the system that are demonstrating success with implementing an employment first agenda through planning, service provision, job preparation and placement, removal of systems barriers, and provision of supports.
- Provide training and technical assistance to develop knowledge and skills for providers, job developers, job coaches, and agencies and employers to use best, promising, and emerging practices to provide employment related services and supports.

Benefits

Issue: Some mechanisms exist for individuals with developmental disabilities to maintain public benefits while working. However, individuals with developmental disabilities, their families, and service providers are often not fully aware of those mechanisms. This lack of knowledge sometimes serves as a disincentive to work.

Goal: Individuals with developmental disabilities, their families, and service providers will have access to resources that fully advise them of ways to maintain benefits while working. Any disincentives to working caused by the actual or perceived risk of losing benefits will be reduced.

- Individuals with developmental disabilities understand the impact of work on their public benefits.

- This includes overcoming the barrier of a lack of outreach to individuals with developmental disabilities about work and benefits. Therefore, information must be provided, in plain language, to working age individuals with developmental disabilities including those in transition from school to adult life.
- Make public benefits more flexible to support working individuals with developmental disabilities.
- Ensure that all agencies involved in assisting individuals with developmental disabilities obtain and maintain integrated competitive employment provide accurate advice and resources concerning the interplay between benefits and work.
- Evaluate and reform existing state laws, regulations, guidelines, operational procedures and funding practices to institute systemic changes that eliminate any disincentives caused by the risk of losing benefits when working.

Supports

Issue: There are supports available to individuals with developmental disabilities to obtain and maintain employment. However, the various agencies responsible for serving individuals with developmental disabilities in their employment goals do not do so in collaboration with each other which results in supports that are frequently inadequate to meet the needs of individuals with developmental disabilities. Additionally, employers lack advice and information on the benefits of employing individuals with developmental disabilities and how to provide accommodations and supports.

Goal: Provide adequate supports to individuals with developmental disabilities in obtaining and maintaining integrated competitive employment.

- Provide regional center service coordinators with employment training from experts to instruct them on the available supports to individuals with developmental disabilities in obtaining and maintaining employment.
- Provide a dedicated employment specialist at each regional center, to enhance the level of information about employment and related issues

available to individuals with developmental disabilities, families, service coordinators, and employers.

- Provide training for employers on how to appropriately accommodate individuals with developmental disabilities.

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Background

"No country, however rich, can afford the waste of its human resources. Demoralization caused by vast unemployment is our greatest extravagance. Morally, it is the greatest menace to our social order."⁷

State Council on Developmental Disabilities (Council or SCDD) is established by state (Lanterman Developmental Disabilities Services Act at Welfare and Institutions Code, Section 4520) and federal law (Developmental Disabilities and Bill of Rights Act) to ensure that individuals with developmental disabilities and their families participate in the planning, design and receipt of the services and supports they need which allow increased independence, productivity, inclusion and self-determination. To that end, the Council develops and implements goals, objectives, and strategies designed to improve and enhance the availability and quality of services and supports to individuals with developmental disabilities and their families.

The Council is comprised of 31 members appointed by the Governor including individuals with disabilities, their families, federally funded partners and state agencies.

The Council supports 13 area boards that provide services to individuals with developmental disabilities and their families including, but not limited to, advocacy assistance, training, monitoring and public information. By providing these services, area boards ensure that laws, regulations and policies pertaining to the rights of individuals are observed and protected. Each board participates in the development and implementation of the Council's goals and objectives.

Employment First Mandate

Chapter 231, Statutes of 2009 (Assembly Bill 287) was signed into law on October 11, 2009 with the following legislative findings and declarations:

⁷ Franklin Delano Roosevelt, 1933

- “Working age people with disabilities are among the most unemployed and underemployed members of society;
- People with developmental disabilities are an important and largely untapped employment resource;
- Research demonstrates that wages and hours worked increase dramatically as individuals move from facility-based to integrated employment, and suggests that other benefits include expanded social relationships, heightened self-determination, and more typical job acquisition and job roles;
- Recent data indicate that, with 13 percent of working age individuals with developmental and intellectual disabilities in competitive or supported employment, California ranks 41st when compared with other states;
- Because the likelihood of individuals with developmental disabilities obtaining employment is greater if they move directly from school to work, education programs should prepare transition age students for employment in community settings;
- Increasing integrated and gainful employment opportunities for people with developmental disabilities requires collaboration and cooperation by state and local agencies, including, but not limited to, the State Department of Developmental Services and regional centers, the State Council on Developmental Disabilities, the Department of Rehabilitation, the State Department of Education and local school districts, and the Employment Development Department;
- The Legislature places a high priority on providing supported employment and other integrated employment opportunities for working-age adults with developmental disabilities; and
- In developing the individual program plan pursuant to Section 4646.5 of the Welfare and Institutions Code, planning teams are encouraged to “discuss school-to-work opportunities during individual program plan meetings beginning when a consumer reaches 14 years of age, and regional center representatives are encouraged to inform the consumer, parent, legal guardian, or conservator that the regional center is available, upon request, to participate in the consumer's individualized education plan meetings to discuss transition planning”.

Chapter 231 further mandates the Council to:

- Form a standing Employment First Committee;

- Identify the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for people with developmental disabilities;
- Identify strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers;
- Identify existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of people with developmental disabilities;
- Recommend legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises,⁸ and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older;
- Develop an Employment First Policy; and
- By July 1, 2011, and annually thereafter, provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed Employment First Policy.

Employment First Committee

In response these mandates, the Council formed an Employment First Committee (EFC) in September 2010. The EFC is composed of representatives from:

- People First of California;
- Department of Developmental Services' Consumer Advisory Committee;
- Department of Developmental Services;

⁸ For more information regarding self-employment and microenterprises, read Making Self-Employment Work for People with Developmental Disabilities, Cary Griffin, David Hammis, Brookes Publishing, 2003 and Real Work for Real Pay, Paul Wehman, Valerie Brooks, Grant Revelle, Jr., Brookes Publishing, 2007

- Department of Rehabilitation;
- Superintendent of Public Instruction;
- Each of the three University Centers for Excellence in Developmental Disabilities;
- Disability Rights California; and
- A member of the Council's Consumer Advisory Committee.⁹

In addition to the official committee, representatives from the following interested parties were invited to and actively participated in the EFC deliberations:

- Employment Development Department;
- Association of Regional Center Agencies;
- California Community Colleges Systems Office, Disabled Student Programs and Services
- Supported employment provider organizations including:
 - In Alliance Inc.;
 - D3 Associates;
 - East Bay Innovations;
 - Arc of Southeast Los Angeles County;
 - Contra Costa Arc;
 - Tierra del Sol; and
 - Futures Explored, Inc.;
- The Arc of California, a service provider organization;
- Service Employees International Union; and
- Family member organizations including:
 - Chinese Parent Association for the Disabled;
 - State Council on Developmental Disabilities; and
 - California Autism Society; and
- Self-advocates.¹⁰

At its initial meeting, the EFC and other interested parties formed five subcommittees to address barriers to employment, public benefits and employment, employer issues, innovative strategies, and transition from high school to adult life. The subcommittees were specifically balanced to ensure each had representation of at least one EFC member, one

⁹ Please see Appendix E for a detailed roster.

¹⁰ Please see Appendix E for a detailed roster.

individual with developmental disabilities, one provider of services, one family member, and staff from relevant state departments. Individuals with developmental disabilities were offered and provided facilitation to ensure their full and equal participation. Each subcommittee gathered information and developed proposed strategies designed to enhance employment opportunities for individuals with developmental disabilities. Those strategies form much of this report.

Existing Federal/State Law, Regulations, and Policies Pertaining to the Employment of Individuals with Developmental Disabilities

Disability is a natural part of the human experience and in no way diminishes the right of individuals to live independently, enjoy self-determination, make choices, contribute to society, pursue meaningful careers, and enjoy full inclusion and integration in the economic, political, social, cultural, and mainstream of American society.¹¹

Individuals with developmental disabilities work in different types of settings, including work programs, community-based work centers, teams in the community, disability enclaves within integrated workplaces, supported employment in integrated workplaces, and unsupported employment in integrated workplaces. Laws and regulations applicable in each of these settings generally support the employment of individuals with developmental disabilities in integrated, competitive employment. These authorities likewise set forth obligations of various state agencies to ensure positive employment outcomes for individuals with disabilities, discussed below in more detail in the section, Roles and Responsibilities of State and Local Agencies to Enhance the Employment of Individuals with Developmental Disabilities.

General Laws Prohibiting Discrimination on the Basis of Disability

Both federal and state laws prohibit discrimination in employment decisions and practices against individuals with disabilities. The main federal law is the Americans with Disability Act (ADA)¹² which prohibits private employers

¹¹ Title 29 of the United State Code Section 701 (a)(3)

¹² Title 42 of the United States Code Section 12101 et seq.

with fifteen or more employees and all state and local government employers from discriminating against individuals with disabilities in all facets employment. A similar law, Section 504 of the Rehabilitation Act of 1973 (Section 504)¹³ prohibits federal governmental employers, including entities that receive federal funds, from discriminating against individuals with disabilities. The primary state law prohibiting employment discrimination on the basis of disability is California's Fair Employment and Housing Act ("FEHA").¹⁴ FEHA generally applies to employers with five or more employees.

The ADA, Section 504, and FEHA prohibit discrimination in employment against qualified individuals with disabilities, which includes prohibitions against harassment and an affirmative obligation on employers to provide reasonable accommodations unless they can demonstrate that doing so would impose an undue hardship. Accommodation decisions must be made on an individualized basis.

Laws Applicable to State and Federal Contractors

There are also discrimination laws applicable to state and federal contractors and programs receiving federal/state assistance that have relevance to individuals with developmental disabilities.

With respect to the federal government, the most comprehensive coverage is contained in the provisions of the Rehabilitation Act of 1973, mentioned above, which addresses discrimination in several contexts. Section 501 states the policy of the federal government to prevent discrimination against individuals with disabilities in employment decisions, encourages federal employers to employ individuals with disabilities, and has substantive provisions applicable to federal employees.¹⁵ Section 503 of the Act mandates that a clause appear in all federal government contracts and subcontracts in excess of \$10,000 requiring contractors to take affirmative action to employ and advance qualified individuals with disabilities.¹⁶ Section 503 regulations are implemented by the Department of Labor's Office of Contract Compliance ("OFCCP") which is authorized to

¹³ Title 29 of the United States Code Section 791 et seq.

¹⁴ California Government Code Section 12900 et seq.

¹⁵ Title 29 United States Code Section 791

¹⁶ Title 29 United States Code Section 793

receive and investigate complaints of discrimination and take action such as requiring corrective programs or seeking judicial action.¹⁷

On the state level, FEHA requires individuals who contract with the State of California to follow non-discrimination and affirmative action requirements.¹⁸

Competitive Wages

In 1938, Congress established a federal minimum wage under the Fair Labor Standards Act (FLSA),¹⁹ but created a narrow exception that allows employers to pay less than minimum wage to individuals with physical or mental disabilities whose disabilities limit their productivity levels for the job at issue.²⁰ Wages under this exception are based on the worker's individual productivity, no matter how limited they are, in proportion to the wage and quantity of work performed in the same job in the specific geographic area. Employers must follow approval procedures from the Department of Labor to pay wages under this section and renew certificates every other year to continue to pay non-competitive wages.

Employment in Integrated Settings

The ADA and the United States Supreme Court's decision in *Olmstead v. L.C.*²¹ require states to administer programs, services, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities. That obligation extends to programs, services, and activities related to the employment of individuals with developmental disabilities.

Status of Employment of Individuals with Developmental Disabilities

The CEO, Dr. Shrader, has stated and I quote: "Work provides more than a paycheck. It brings dignity and community. When businesses open job opportunities to men and women with

¹⁷ Title 41 Code of Federal Regulations Section 60 – 741.25 et seq.

¹⁸ California Government Code Section 12990

¹⁹ Title 29 United States Code Section 214 (c)

²⁰ Title 29 United States Code Section 14 (c)

²¹ 527 U.S. 581 (1999)

disabilities, everyone benefits – the individual, the company and society at large.”²²

The Effects of Unemployment

“...I leave you with a quote from a woman with a developmental disability, Ms. Susan Willis, who shared this insight with ADD as part of our recent listening sessions, “When meeting someone new, we almost always ask, ‘What do you do?’ A person’s work seems to define who he or she is. It certainly gives people, especially those with disabilities, a sense of self-worth and confidence. With employment comes some level of self-sufficiency, and with that – independent living. Without a full or part-time job at reasonable wages, none of this can be realized.”²³

There is an expectation of work in American society. When any person wishes to work, they do so with the understanding that earning an income will put them on the path to obtain the things they need and want – food, housing, clothing, luxuries, and so on. It is the path to dignity and pursuit of one’s dreams. However this path is elusive to young adults with disabilities as they are three times likelier to live in poverty as adults than their peers without disabilities.²⁴

When someone, who wishes to work, cannot find a job, the impact is enormous: a lack of dignity, perhaps even shame; reliance and dependency on public benefits; and poverty, substandard housing, difficulty maintaining one’s health, and so on. Nationally, as noted in the American Community Survey (2009),²⁵ 13.4% of people without a disability live in

²² Testimony by David Egan before the U.S. Senate Health, Education, Labor and Pensions Committee Improving Employment Opportunities for People with Intellectual Disabilities on Wednesday, March 2nd, 2011

²³ Testimony of Sharon Lewis, Commissioner, Administration on Developmental Disabilities, on Employment of Individuals with Development Disabilities to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

²⁴ National Collaborative on Workforce and Disability for Youth (n.d.), *Guideposts for Success* (Second Edition). Retrieved from http://www.ncwd-youth.info/sites/default/files/page/2009/02/guideposts_0.pdf (PDF, 12 Pages), on May 23, 2011.

²⁵ The American Community Survey is a national survey designed by the U.S. Census Bureau to better understand changing communities. It collects information from all 50 states and Washington D.C. on issues such as disability, age, race, commute time to work, income, and other personal demographic data.

households below the poverty threshold while 26.5% of people having any type of disability live below the poverty threshold. Of those with intellectual disabilities who are receiving Supplemental Security Income (SSI), 42.3% are living below the poverty threshold.²⁶

For millions of people living in poverty, government-provided healthcare, such as Medi-Cal and Medicare, is a safety net. For many individuals with developmental disabilities, healthcare is a lifeline. Individuals with developmental disabilities typically require more complex and costly services than other healthcare recipients without disabilities. Frequently, they also need healthcare from several different types of providers and they often need such services throughout their lifetimes.²⁷

The rate of poverty among individuals with developmental disabilities as compared to individuals with disabilities strikingly reveals the disproportionate and grave impact people with developmental disabilities are forced to bear.

Further, individuals with developmental disabilities, when not working, frequently receive other publically funded services, such as day programs. A job helps people avoid poverty, establish or maintain their independence, and reduces the need for publically funded services.

Existing Sources of Employment Data

In California, there are many sources of data regarding the employment of individuals with developmental disabilities held by the Employment Development Department (EDD), the Franchise Tax Board (FTB), Department of Rehabilitation (DOR), and the Department of Developmental Disabilities (DDS). Each agency tracks data for different purposes and within different categories. Because of this, it is impossible, under current systems, to accurately count an absolute number of individuals with developmental disabilities who are employed in any manner.

²⁶ Testimony of William Kiernan, Institute for Community Inclusion, University Center on Developmental Disabilities, to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

²⁷ "Medicaid Block Grant Information", The Arc, <http://www.thearc.org/page.aspx?pid=3085>, accessed April 26, 2011

In order to better understand the barriers that exist to align these data systems, the Council joined a group who is exploring these issues. Since additional meetings are needed to identify details and practical solutions, it is anticipated that the Council will issue recommendations on this aspect in subsequent annual reports.

At the present time, the Council believes it is unacceptable to simply say that the data systems are complex and counting the absolute number of individuals with developmental disabilities who are employed is impossible. Until data systems can be aligned, the Council proposes to track the relative change in the number of individuals with developmental disabilities who are employed, using DDS' data. While DDS' data may not contain all individuals with developmental disabilities who are working, they are more unlikely to disproportionately exclude people and are more likely to be more accurate numbers than other data sets. Additionally, DDS has recently revised the Client Development Evaluation Report (CDER), which now collects some data related to employment.

Because of these difficulties, the Council recommends that existing resources of data are unified such that:

- data will accurately describe and quantify the number of individuals with developmental disabilities in integrated competitive employment²⁸ by December 31, 2014;
- data will reflect the various methods people may earn an income (e.g., microenterprises) and quantify the number of individuals with developmental disabilities participating in such activities by December 31, 2016;
- data will accurately describe and quantify factors such as the average number of hours worked per week and the average income by December 31, 2015; and,
- data will indicate the number of individuals with developmental disabilities involved in indirect work related activities such as postsecondary education by December 31, 2016.

The Council believes these goals are feasible given that this is the experience in at least one other state.²⁹

²⁸ Integrated competitive employment is defined in the **Glossary**.

Employment Nationally

Nationally, there is little data pertaining specifically to the employment rates of individuals with developmental disabilities – there is data available regarding the employment rates of people with disabilities.

According to the Bureau of Labor Statistics' 2009 Current Population Survey,³⁰ about 80% of people with disabilities were **not** in the workforce – neither employed nor unemployed – as compared to 30% of people without a disability.³¹ People with disabilities in the workforce (6,050,000) account for 4% of the total workforce (154,142,000). It is critical to understand that when looking at employment and unemployment rates, regardless of the actual rates, a tremendous number of people with disabilities, including those with developmental disabilities, either lack the supports necessary to obtain or maintain employment, believe they experience employer discrimination, experience actual employer discrimination, or simply do not consider work as an option for them – possibly resulting from a lack of supports or perceived/actual employer discrimination.

According to the Bureau of Labor Statistics' 2009 Current Population Survey, the employment rate of people with disabilities was 19.2% and among people without a disability in the workforce was 59.3%.³² The unemployment rate for people with disabilities was 14.5% as opposed to 9.3% for people without a disability.

The January 2011 data indicated that the rate of employment for individuals with disabilities dropped to 17.4%, while for individuals without a disability the rate of employment dropped to 62.8%. The unemployment rate for individuals with disabilities dropped to 13.6%, while for individuals without a disability the rate increased slightly to 9.7%. The data indicate that the changes in the employment and unemployment rates for individuals with

²⁹ "Back to School: Performance Measurement Workshops", <http://www.governing.com/topics/health-human-services/embracing-performance-measurement-workshops.html>

³⁰ Please see Appendix B for more information on how this survey specifically defines and discusses disability.

³¹ Bureau of Labor Statistics, 2010. *Persons with a Disability: Labor Force Characteristics*, Table 1, <http://www.bls.gov/news.release/disabl.nr0.htm>

³² Bureau of Labor Statistics, 2010. *Persons with a Disability: Labor Force Characteristics*, Table 1, <http://www.bls.gov/news.release/disabl.nr0.htm>

disabilities are accounted for by a decrease in the number of job seekers with disabilities.³³ Indeed, Senator Tom Harkin, Chairperson of the Senate Committee on Health, Education, Labor and Pensions, affirmed that adults with disabilities are leaving the labor force during this recession at more than 10 times the rate of adults without disabilities.³⁴ Although this trend has accelerated recently, these levels have historically been low and paint a grim picture regarding the rate of employment for individuals with disabilities – 8 of 10 people with disabilities are **not** in the workforce with that precise number increasing over time.

While national data are generally sparse regarding the employment of individuals with developmental disabilities, existing data indicate that 22% of individuals with intellectual and developmental disabilities³⁵ are working in integrated employment settings.^{36, 37}

With regard to wages, weekly earnings in integrated employment at closure³⁸ increased slightly, even after adjusting for inflation and in spite of a decline in the weekly work hours. However, earnings are still substantially lower than in the general population. As the figure below reflects, the gap between earnings of adults with intellectual/developmental disabilities at closure and personal income in the general population is very large and widening slightly over time.³⁹

³³ *Jobs Report Offers Mixed Signals for People with Disabilities*, 2/4/11, Disability Scoop, <http://www.disabilityscoop.com/2011/02/04/jan-2011-jobs/12187/>

³⁴ Tom Harkin Press Release, April 12, 2011, <http://harkin.senate.gov/press/release.cfm?i=332449>, accessed May 5, 2011

³⁵ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes*, 2009, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 49

³⁶ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes*, 2009, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 15.

³⁷ This data defines integrated employment services as services provided in a community setting and involve paid employment of the participant; specifically, *competitive employment, individual supported employment, group supported employment, and self employment supports*.

³⁸ "At closure" refers to wages earned at the time when the state's vocational rehabilitation agency concluded (closed) the provision of vocational rehabilitation services.

³⁹ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes*, 2009, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 25

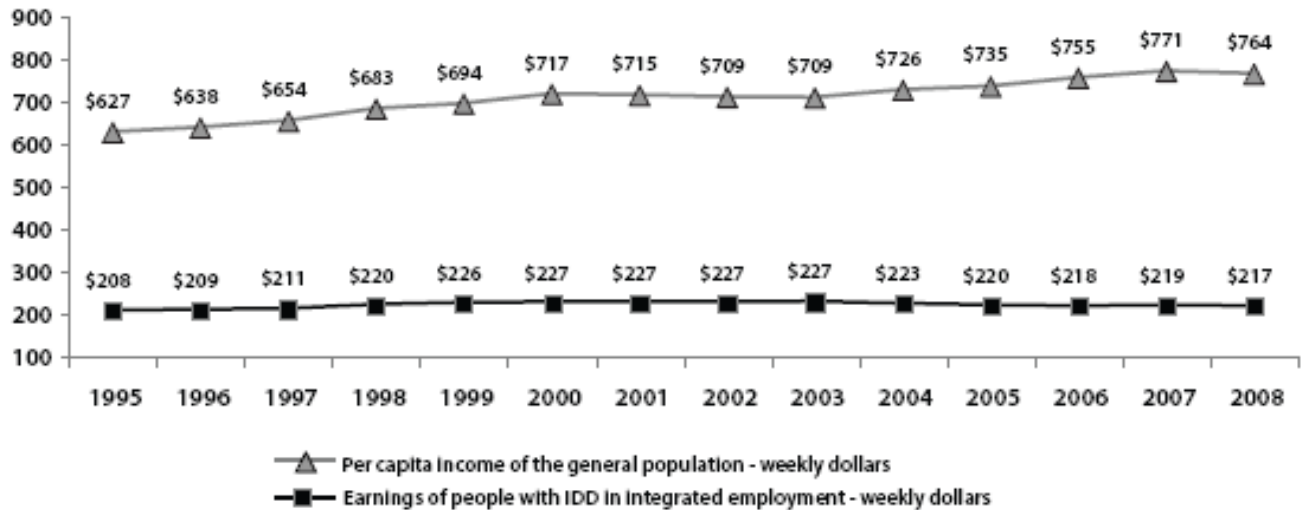


Table 1. Inflation-adjusted weekly earnings at closure and per capita income.

Because almost all of the national data doesn't apply specifically to individuals with a developmental disability, it is difficult to precisely compare California to the country. However, the national data does provide a snapshot of available data pertaining to individuals with a disability.

Employment in California

The American Community Survey (a national survey designed by the United States Census Bureau) collects information from all 50 states and Washington D.C. on issues such as disability, age, race, commute time to work, income, and other personal demographic data. According to the data from their 2007 survey,⁴⁰ California had approximately 24,262,433 working aged adults (16 to 64), 2,574,975 who have any disability, and 1,043,570 who have a mental disability.⁴¹ While the American Community Survey does not collect data regarding developmental disabilities, surveying those with mental disabilities can serve as the most general of approximations.

The ACS data for California indicate that in 2007 approximately 8 in 10 people with a mental disability were **not** in the workforce – neither

⁴⁰ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes, 2009*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 77

⁴¹ The American Community Survey is a national survey designed by the U.S. Census Bureau to better understand changing communities. The term "mental disability" is defined as difficulty learning, remembering, or concentrating.

employed nor unemployed – as compared to approximately 7 in 10 people with any disability and 3 in 10 people without a disability. People with a mental disability in the workforce (250,944) accounted for 1.5% of the total workforce, while people with any disability (877,435) accounted for 5.3% of the total workforce (16,281,515). While the data are slightly different in California than nationally, a tremendous number of people with disabilities, including those with developmental disabilities, either lack the supports necessary to obtain or maintain employment, experience perceived or actual employer discrimination, or simply do not consider work as an option for them.

The California Department of Rehabilitation (DOR) funds individuals and organizations to provide services for people with disabilities. These services include individual placement supported employment services (typically integrated employment earning at least minimum wage) and group placement supported employment services (typically employment working alongside other people with disabilities earning subminimum wage in integrated workplaces).⁴² DOR does not have data available specifically for individuals with developmental disabilities, although individuals with developmental disabilities comprise much of the population served by DOR. According to 2008 national data of vocational rehabilitation closures, 83% of the individuals identified with a developmental disability have been diagnosed with an intellectual disability, 6% have been diagnosed as people with epilepsy, 7% have been diagnosed as people with cerebral palsy, and 4% have been diagnosed as people with autism. At the time of this writing, such data are not available for California.⁴³

For the FY 2009-10, DOR data regarding individual placement supported employment services indicated that 4,192 people had an open case (people were receiving services funded by DOR), 703 people had their cases closed successfully in integrated employment (people were employed upon case closure), and 684 people had their cases closed unsuccessfully (people were not employed upon case closure). The average wages were \$878 per month.

⁴² The Glossary (Appendix G) has a more detailed explanation of these programs.

⁴³ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes, 2009*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 22

For the FY 2009-10, DOR data regarding group placement supported employment services indicated that 2,556 people had an open case, 911 people had their cases closed successfully (typically working alongside other people with disabilities earning subminimum wage), and 366 people had their cases closed unsuccessfully (not employed upon case closure). The average wages were \$703 per month.

DOR data reveals that people served through the individual placement supported employment program earn higher wages, but people served through the group placement supported employment program have proportionally more successful case closures. Appendix C demonstrates a similar pattern over the past five fiscal years, although the number of those served in FY 2009-10 is less than the preceding three years. Notably, the average monthly wages for those in the individual placement supported employment program increased in FY 2009-10.

The Department of Developmental Services (DDS) provided data regarding the employment of individuals with developmental disabilities served through regional centers. As can be seen by the data below, there have been steady increases from FY 2004-05 through FY 2008-09 in the number of individuals with developmental disabilities who are in group placement supported employment, individual placement supported employment, look-alike programs (programs in which people are employed, but through different vendor or activity codes than the prior two categories). There has been a commensurate decrease in the number of individuals who are in work activity programs.

Persons Receiving Services: Statewide					
FY	SEP Group	SEP Individual	WAP	Look Alike	Day Program
2004-05	4,610	4,757	12,090	6,396	36,641
2005-06	4,548	4,842	11,988	6,651	37,629
2006-07	5,258	4,976	11,499	7,565	38,555
2007-08	5,623	5,004	11,063	8,820	39,472
2008-09	5,863	5,054	11,093	10,096	40,528

Table 2. Department of Developmental Services data for all people served through a regional center.

As of December 2007,⁴⁴ DDS served (through the regional centers) 193,533 individuals with developmental disabilities,⁴⁵ 107,137⁴⁶ of which were aged 18 to 61.⁴⁷ Extrapolating this ratio to the number of served by DDS through June 2009 (206,494),⁴⁸ approximately 114,312 individuals with developmental disabilities are aged 18 to 61. During the Fiscal Year 2008–09, DDS data indicated that 21,013 individuals are served in group and individual placement supported employment and look-alike programs. This would suggest an 18% rate of workforce participation by individuals with developmental disabilities in California as compared to the approximate 20% federal workforce participation rate for people with a disability.

According to the Institute for Community Inclusion,⁴⁹ of the 72,634 people receiving services during the FY 2008–09, 15% (10,895) worked in integrated employment,⁵⁰ 70% (50,844) are involved in community-based non-work,⁵¹ and 15% (10,895) are involved in facility-based work⁵² and non-work settings.⁵³ To provide a context, data collected since 1988 nationally have demonstrated that more individuals with developmental disabilities have been served in sheltered and non-work settings than

⁴⁴ Per December 2007, Quarterly Client Characteristics Report, www.dds.ca.gov/FactsStats/docs/Dec07_QRTTBLS.pdf

⁴⁵ Due to changes in how DDS collects data, updated information regarding the demographics of those served will be unavailable until later in 2011.

⁴⁶ Per December 2007, Quarterly Client Characteristics Report, www.dds.ca.gov/FactsStats/docs/Dec07_QRTTBLS.pdf, table #02, status 2 and 8

⁴⁷ DDS currently groups its demographics data in such a way that data for working aged adults between 16 and 64 is unavailable.

⁴⁸ Per June 2009, Monthly Consumer Caseload Report, www.dds.ca.gov/FactsStats/docs/June09_Caseload.pdf

⁴⁹ Winsor, J. E., & Smith, F.A. (2011), *State Intellectual Disability and Developmental Disabilities Agencies Service Trends*. DataNote Series, Data XXIX. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.

⁵⁰ This data defines integrated employment services as services provided in a community setting and involve paid employment of the participant; specifically, *competitive employment, individual supported employment, group supported employment, and self employment supports*.

⁵¹ Community based non-work includes all services that are focused on supporting people with disabilities to access community activities in settings where most people do not have disabilities. It does not include paid employment.

⁵² Facility-based work includes all employment services which occur in a setting where the majority of employees have a disability. These activities occur in settings where continuous job-related supports and supervision are provided to all workers with disabilities. This service category is typically referred to as a Sheltered Workshop, Work Activity Center, or Extended Employment program.

⁵³ Facility-based nonwork includes all services that are located in a setting where the majority of participants have a disability and does not involve paid employment of the participant.

integrated competitive employment.⁵⁴ Further, national data indicate that 22% of individuals with developmental disabilities work in integrated employment.⁵⁵

In 2007, people without a disability nationally earned a mean weekly wage of \$771.⁵⁶ In California for the same year, the mean weekly earnings of people at closure from DOR services were \$343, while for individuals with developmental disabilities the mean weekly earnings were \$223.⁵⁷

While no data set completely meets the needs of California in order to measure outcomes to increase integrated competitive employment for individuals with developmental disabilities, the DDS data set is reasonably accurate. One could conclude that a tremendous number of people with disabilities, including those with developmental disabilities, either lack the supports necessary to obtain or maintain employment, experience perceived or actual employer discrimination, or simply do not consider work as an option for them.

The Impact of Postsecondary Education on Employment Outcomes

Postsecondary education is generally associated with positive outcomes regarding employment and level of wages earned. In recent years, there has been a growing interest in postsecondary education for students with intellectual and developmental disabilities. In 2007-08 national data demonstrate that students with intellectual disabilities that access postsecondary education services and successfully completed an education program (non-degree postsecondary program, associate degree, vocational/technical certificate, bachelor's degree, or graduate degree)

⁵⁴ Testimony of William Kiernan, Institute for Community Inclusion, University Center on Developmental Disabilities, to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

⁵⁵ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes, 2009*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 49

⁵⁶ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes, 2009*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 25

⁵⁷ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes, 2009*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 81

were more likely to have a job in integrated employment and earn more wages.⁵⁸

Students with ID who received:	Total Number	Closures Into Employment		Earnings per week
		Number	Percentage	
No PSE service	34,931	11,261	32%	\$195
PSE services	1,223	589	48%	\$316
PSE services and attained a higher level of education	537	312	58%	\$338

Table 3. National data: postsecondary educational services and earnings for students with intellectual disabilities, 2007-08.

In 2008, California data demonstrate similar findings; students with intellectual disabilities that access postsecondary education services and successfully completed an education program (non-degree postsecondary program, associate degree, vocational/technical certificate, bachelor's degree, or graduate degree) were more likely to have a job in integrated employment and earn more wages.⁵⁹

Students with ID who received:	Total Number	Closures Into Employment		Earnings per week
		Number	Percentage	
No PSE service	2,919	954	33%	\$212
PSE services	287	102	36%	\$335
PSE services and attained a higher level of education	113	71	63%	\$348

Table 4. California data, postsecondary educational services and earnings for students with intellectual disabilities, 2008.

The data demonstrate that investing in programs that support students with intellectual disabilities in the postsecondary environment will pay off – both in employment and wages. And in California, access to postsecondary

⁵⁸ Migliore, A. & Butterworth, J., 2008. *Postsecondary Education and Employment Outcomes for Youth with Intellectual Disabilities*, DataNote Series, Data Note XXI. Boston, MA: Institute for Community Inclusion.

⁵⁹ Hart (2010), Personal Communication, Boston, MA: Institute of Community Inclusion, University of MA, Data from the Voc Rehabilitation, Research and Training Center.

programs is expanding. In 2008, the reauthorization of the Higher Education Opportunities Act (HEOA, PL 1110-315) included for the first time provisions that will improve PSE for students with intellectual disabilities by making it more affordable, funding model demonstration programs and a coordinating center.

The HEOA makes college more affordable for students with intellectual disabilities, by for the first time allowing those who attend an eligible comprehensive transition and postsecondary program to receive:

- Federal Pell Grant,
- Federal Supplemental Education Opportunity Grant, and
- Federal Work-Study programs funds
- Implementing regulations developed through negotiated rulemaking process

In October 2010, twenty-seven institutions of higher education in partnership with their local education agency were awarded 5-year funding to establish Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID). Three of the programs are in California, Pathway at UCLA Extension, Wayfinders at Fresno State, and the Transition to Independent Living program at Taft College. A Coordinating Center at the Institute for Community Inclusion at the University of Massachusetts was awarded to provide technical assistance, evaluation, and develop accrediting standards.

The Department of Rehabilitation (DOR) is playing an important role in supporting postsecondary education opportunities that lead to employment in California. DOR recently awarded 4-year contracts to establish the College to Career (C2C) program at 5 community colleges, the College of Alameda, Santa Rosa Junior College, North Orange County Community College District, San Diego City College and Sacramento City College. These colleges will provide a coordinated set of focused academic and vocational activities for students with developmental disabilities that lead to integrated gainful employment. All students must qualify for services by the regional center. The Tarjan Center at UCLA will be evaluating the outcomes of the C2C programs. Both the TPSID and C2C programs provide individualized supports for the academic and social inclusion of students and opportunities to be involved in college experiences with their peers without disabilities.

Roles and Responsibilities of State and Local Agencies to Enhance the Employment of Individuals with Developmental Disabilities

SCDD requested information from state and local agencies regarding their current roles and responsibilities. As reported by each agency, roles and responsibilities of each are outlined below:

California Department of Education (CDE)⁶⁰

“Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.”⁶¹

CDE has an obligation to ensure that all local educational agencies (LEAs), which include school districts and county offices of education, provide a free public education to all students and special education to students who have disabilities that impact their ability to learn in the educational environment. The purpose of special education is to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.⁶² The mechanism to ensure students receive an appropriate education is the individualized education program (IEP), whereby the IEP team determines a student’s needs and the services and supports necessary to meet those needs.

Further, an individualized transition program (ITP) must be in place for students in special education by the time they reach 16 years of age, or younger if the if determined appropriate but the IEP team.⁶³ The ITP must:

⁶⁰ No statement was received from CDE, so this section was authored by the Council and primarily cites statute.

⁶¹ Title 20 of the United States Code Section 1400 (c), the Individuals with Disabilities Education Improvement Act of 2004 (IDEA)

⁶² Title 20 of the United States Code Section 1400 (d)(1), the Individuals with Disabilities Education Improvement Act of 2004 (IDEA)

⁶³ California Education Code Section 56341.5 (e)

- be based upon the individual needs, strengths, and interests of the student;⁶⁴
- address appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;⁶⁵
- focus on improving academic and functional achievement of the student to facilitate movement from school to postschool activities, including postsecondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation;⁶⁶ and,
- address the transition services (including courses of study, community experiences, the development of employment and other postschool adult living objectives, and if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation)⁶⁷ needed to assist the child in reaching those goals.⁶⁸

LEAs have found, and are obligated to find, ways to provide transition services identified in ITPs to assist students in reaching their postsecondary goals, including further education, employment, and independent living. And with consent and to the extent appropriate, LEAs must invite representatives from any agency that is likely to be responsible for providing or paying for transition services to the ITP meeting.⁶⁹ However, those representatives are not required to attend, which highlights one of the problems surrounding transition to adult life.

Moreover, the Legislature found that:⁷⁰

- “there is no formalized process that bridges the gap between the security and the structure of school and the complexity of service options and resources available for individuals with exceptional needs in the adult community”;
- “there is insufficient coordination between educators, adult service providers, potential employers, and families and students in order to

⁶⁴ California Education Code Section 56345.1 (a)(2)

⁶⁵ Title 20 of the United States Code Section 1414 (d)(1)(A)(VIII)

⁶⁶ California Education Code Section 56345.1 (a)(1)

⁶⁷ California Education Code Section 56345.1 (a)(3)

⁶⁸ Title 20 of the United States Code Section 1414 (d)(1)(A)(VIII)(bb)

⁶⁹ California Education Code Section 56341.5 (f)

⁷⁰ California Education Code Section 56460

effectively plan and implement a successful transition for students to the adult world of paid employment and social independence”;

- “that because of insufficient vocational training throughout the middle and secondary school years, and [insufficient] effective interagency coordination and involvement of potential employers in a planning process, the majority of options available for individuals with exceptional needs in the adult community are programs that support dependence rather than independence”; and,
- “planning for transition from school to postsecondary environments should begin in the school system well before the student leaves the system.”

Therefore, the Legislature has required the Superintendent of Public Instruction to establish the capacity to provide transition services for a broad range of individuals with exceptional needs such as employment and academic training, strategic planning, interagency coordination, and parent training.⁷¹

Consequently, transition services must include, but are not limited to:⁷²

- in-service training programs, resource materials, and handbooks about:
 - the definition of transition, including major components of an effective school-based program and the components of effective transition planning;
 - relevant laws and regulations;
 - the roles of other agencies in the transition process including, but not limited to, the scope of their services, eligibility criteria, and funding;
 - the role of families in the transition process;
 - resources and model programs in the state;
- development of the role and responsibilities of special education in the transition process, including:
 - the provision of work skills training, including skills needed in order to demonstrate competence on the job;
 - the provision of multiple employment options and vocational experiences to facilitate job or career choice;

⁷¹ California Education Code Section 56461

⁷² California Education Code Section 56462

- the collection and analysis of data when students leave the school system and enter the adult world;
- the coordination of the transition planning process, including development of necessary interagency agreements and procedures at both state and local levels;
- the provision of instruction learning strategies that support students to graduate with a diploma, promote a positive attitude towards secondary and postsecondary education and training, and make a successful transition to postsecondary life;
- the development and implementation of systematic and longitudinal vocational education curriculum, including:
 - instructional strategies to prepare students with severe disabilities to make a successful transition to supported employment and the community;
 - the introduction of vocational and career education curriculum in the elementary grades for those who can benefit from it;
- materials, resource materials, and in-service training programs to support the active participation of families in the planning and implementation of transition-related goals and activities;
- the development of resources and in-service training that will support the implementation of individualized transition planning for all students with exceptional needs;
- the development of a network of model demonstration sites that illustrate a wide variety of transition models and implementation strategies;
- coordination of other specialized programs that serve students who face barriers to successful transition; and,
- a research, evaluation, and dissemination program that will support the major programmatic aspects of transition services through a variety of competitive grants, bids, contracts, and other awards that will address specific content areas developed in cooperation with a variety of field-based agencies, including LEAs, special education local plan areas (SELPAs), county offices of education, institutions of higher education, and in-service training agencies.

Lastly, CDE administers Project Workability, a state level partnership between CDE, the Employment Development Department, and the Department of Rehabilitation.⁷³ Project Workability provides instruction and

⁷³ California Education Code Section 56470

experiences that reinforce core curriculum concepts and skills leading to gainful employment.

Employment Development Department (EDD)

EDD promotes California's economic growth by providing services to keep employers, employees, and job seekers competitive. Following federal and state laws with fairness and equity, and ensuring fiscal integrity, EDD:

- Operates the State's employment service – connecting employers with job seekers;
- Acts as an economic stabilizer through the administration of the Unemployment Insurance program;
- Provides prompt and accurate services that enable taxpayers to easily report data and meet their tax responsibilities;
- Minimizes the financial impact of non-occupational disabilities through the administration of the Disability Insurance program;
- Provides partial wage replacement when workers must care for a seriously ill family member or bond with a new child;
- Encourages self-sufficiency in the current and future workforce;
- Serves as the central source for California's labor market information; and,
- Plans, deploys, and manages technology to improve our business processes and access to our services.

The Workforce Services Branch (WSB) of EDD administers the Workforce Investment Act (WIA) and Wagner-Peyser programs which prepare adults, youth, and dislocated workers for participation in the workforce and brings employers with job openings together with qualified job seekers. The WSB also prepares up-to-date statistical information, demographics, and analyses impacting the State's business climate.

The Northern, Los Angeles/Ventura, and Southern Divisions provide staff who are key partners in local One-Stop Offices throughout California. These offices provide core and intensive services in concert with complementary services provided to individuals served by the Local Workforce Investment Area staff. Job seeker core services may include access to job listings, registration on CalJOBSSM, job search and placement services, support services, information and referral services,

and job search workshops. Employer core services include facilitating job listings, positive recruitment for new and expanding business, and résumé search.

The Workforce Services Division (WSD) is responsible for administering the Wagner-Peyser and the WIA programs. These programs provide critical services to California's job seekers and employers through local One-Stop Offices by providing training programs and initiatives that focus on preparing adults, youth, dislocated workers, and special populations for participation in the labor force. The WSD provides technical assistance to stakeholders and providers of employment and training services for populations facing multiple barriers such as people with disabilities, at risk youth, veterans, and older workers. The WSD provides services 24-hours a day, seven days a week, anywhere there is an Internet connection, through its no fee labor exchange system, CalJOBSSM.

The Labor Market Information Division (LMID) prepares up-to-date statistical information, demographics, and analyses concerning the State's economic climate. The LMID collects, researches, analyzes, and publishes economic, and demographic information to support labor market research, program planning, economic development, and career exploration. The LMID services include federal/state cooperative data collection programs, applied research, prevailing wage determinations, occupational research, employment estimates, unemployment rates, labor market information publications, and labor market information on the Internet at www.labormarketinfo.edd.ca.gov. Local area consultants provide assistance to local workforce investment area staff, economic developers, educators, news media, and other local customers of labor market information.

Department of Rehabilitation (DOR)

The mission of DOR is to work in partnership with individuals with disabilities and other stakeholders to provide services and advocacy resulting in employment, independent living and equality for individuals with disabilities.

DOR helps individuals with physical, psychiatric or cognitive disabilities face the challenges of the modern workplace. This includes identifying job goals based on individual interests and aptitudes, providing funds for

college and vocational training, assessing worksite accommodations, educating an employer about the Americans with Disabilities Act, or assisting an individual returning to work after adjusting to a new disabling condition. Vocational rehabilitation (VR) services can often reduce or remove barriers to employment. Priority is given to those individuals who have the most severe disabilities in areas such as communication, mobility, work tolerance and work skills.

DOR is the state agency that administers the federally mandated and regulated VR Program. The Rehabilitation Act of 1973, as amended, authorizes the allocation of Federal funds on a formula basis of State and Federal dollars for the administration and operation of a VR program to assist individuals with disabilities in preparing for and engaging in gainful employment. The DOR VR program provides a wide range of services and job training to people with disabilities who want to work. DOR serves more than 100,000 eligible individuals. Priority is given to people with the most severe disabilities.

To be eligible for DOR VR, a person must have a physical or mental impairment that is a substantial impediment to employment; be able to benefit from VR services in terms of employment; and require VR services to prepare for, enter, engage in, or retain employment.

DOR assists individuals with disabilities to secure employment by developing and maintaining close relationships with local businesses. Furthermore, they assist persons served to become tax-paying citizens and to reduce their reliance on entitlement programs.

To help the population of unemployed persons with disabilities join the workforce, DOR provides comprehensive rehabilitation services that go beyond those found in routine job training programs. This frequently includes work evaluation and adjustment services; assessment for and provision of assistive technology, such as specialized software or customized computer interfaces for persons with physical or sensory disabilities; job counseling services, and medical and therapeutic services.

DOR collaborates with a statewide network of private, non-profit community rehabilitation facilities for the provision of supported employment services. Supported Employment (SE) is paid competitive employment in an integrated setting with ongoing support for individuals with the most severe

disabilities (i.e., developmental disabilities, psychiatric disabilities, traumatic brain injury, deafness and blindness, extreme mobility impairments, and other most severe disabilities) for whom competitive employment has not traditionally occurred, and who, because of the nature and severity of their disability, need on-going support services in order to obtain, perform, and retain their job. DOR authorized SE services for eligible individuals provide assistance such as job coaching and job placement, assistance in interacting with employers, on-site assistive technology training, specialized job training, and individually tailored supervision.

DOR and local education agencies have joined together to establish cooperative programs that provide successful training and employment services. These programs include:

- Transition Partnership Programs (Secondary School Programs)
- WorkAbility II (Regional Occupational Centers)
- WorkAbility III (Community Colleges)
- WorkAbility IV (Universities)
- Mental Health (County Mental Health)
- Foster Care Programs (Secondary School Programs)

These programs have been developed with individual and family member participation, and closely adhere to the values of comprehensive service linkages, career development, placement in an integrated competitive environment, and reasonable accommodations. These programs serve all eligible individuals with disabilities.

Department of Developmental Services (DDS)

The mission of DDS is to provide services and supports to individuals with developmental disabilities. These disabilities include mental retardation, cerebral palsy, epilepsy, autism, and related conditions. Services are provided through community facilities, state-operated developmental centers, and 21 non-profit regional centers.

To be eligible for services, a person must have a disability that begins before the person's 18th birthday, be expected to continue indefinitely and present a substantial disability as defined in Section 4512 of the California Welfare and Institutions Code.

The Work Services Program addresses the employment needs of individuals with developmental disabilities. The Work Services Program provides work and community integration opportunities through Supported Employment Programs (SEPs) and Work Activity Programs (WAPs). These programs are available to persons who are served through a regional center.

DOR is the main supported employment (SE) service provider for adults with developmental disabilities. However, if they are unable to provide services due to financial reasons, the regional center may be able to help individuals get a job by referring them to other programs that provide SE-like services, if these services are available in their area.

DDS collaborates with the regional centers, DOR, and a statewide network to implement SE services, aimed at finding competitive work in a community integrated work setting for persons with severe disabilities who need ongoing support services to learn, perform, and retain their job. SE placements can be individual placements, group placements, and work activity programs, such as, work crews, and landscaping crews. Support is usually provided by a job coach who meets regularly with the individual on the job to help him or her learn the necessary skills and behaviors to work independently. As the individual gains mastery of the job, the support services are gradually phased out.

DDS provides ongoing SE services to those individuals who need job coaching support and other services to maintain their jobs, along with providing technical assistance, training, and review of supported employment programs, and work activity programs.

Community Colleges Chancellor's Office

The California Community Colleges is the largest system of higher education in the nation. It is composed of 72 districts and 112 colleges serving 2.76 million students per year. Community colleges supply workforce training, a basic skills education and prepare students for transfer to four-year colleges and universities. The Chancellor's Office provides leadership, advocacy and support under the direction of the Board of Governors of the California Community Colleges.

Each college in the system has a Disabled Student Programs and Services (DSPS) office which assists colleges to provide services and accommodations for qualified students with disabilities to support their student success and to meet the requirements of federal and State non-discrimination and civil rights laws.

The DSPS program provides support services and educational accommodations to students with disabilities so that they can have full and equitable access to the community college experience. In addition, many colleges provide specialized instruction for specific populations of disabled students such as those with intellectual disabilities as part of their DSPS program.

A Student Educational Contract (SEC) is developed for each student served by DSPS. The SEC defines the student's educational goals and outlines the support services and academic accommodations to be provided to address the students' specific disability-related educational needs. Examples of services that may be provided by DSPS are test-proctoring, assessment for learning disabilities, specialized counseling, interpreter or captioning services for hearing-impaired or deaf students, mobility assistance, note-taker services, reader services, speech services, transcription services, on-campus transportation, specialized tutoring, access to adaptive equipment, job development/placement, registration assistance, special parking and specialized instruction. In 2009-10 (last year available) 10,020 students with intellectual disabilities were served by DSPS.

Additionally, in a partnership with the DOR some colleges participate in the Workability III program, which helps employ students with disabilities.

California Department of Health Care Services (DHCS)

The Department of Health Care Services' (DHCS) mission is to preserve and improve the health status of all Californians. DHCS works closely with health care professionals, county governments and health plans to provide a health care safety net for California's low-income and persons with disabilities.

DHCS finances and administers a number of individual health care service delivery programs, including the California Medical Assistance Program

(Medi-Cal), California Children's Services program, Child Health and Disability Prevention program and Genetically Handicapped Persons Program. DHCS also helps maintain the financial viability of critical specialized care services, such as burn centers, trauma centers and children's specialty hospitals. In addition, DHCS funding helps hospitals and clinics located in underserved areas and those serving underserved populations.

DHCS programs are designed to:

- Deliver health care services to low-income persons and families who meet defined eligibility requirements;
- Emphasize prevention-oriented health care measures that promote health and well-being;
- Ensure access to comprehensive health services through the use of public and private resources; and
- Ensure appropriate and effective expenditure of public resources to serve those with the greatest health care needs.

Recommendations Regarding the Roles and Responsibilities of State and Local Agencies

All of these agencies provide services and supports designed to enhance the employment of individuals with developmental disabilities. Consistent with best practices (see page **47**) and the Governor's actions to streamline government functions, increase efficiencies, and reduce costs, SCDD's recommendations focus on the collaborative opportunities between these agencies.

As the agency holding the primary responsibility of keeping employees competitive, it is recommended that EDD and agencies that support individuals with developmental disabilities jointly map existing resources to better identify gaps, investigate collaborative opportunities, braided funding, and pilot services and supports that will result in increased integrated competitive employment for individuals with developmental disabilities (please see page **54**, Goal **A1**, Strategies **A1-1** and **A1-7**).

As the agency primarily concerned with preparing students with disabilities for employment, post-secondary education, and independent living, CDE should collaborate with agencies that support individuals with developmental disabilities to map existing resources to better identify gaps, jointly investigate collaborative opportunities, braided funding, and pilot programs to create a school to work pipeline where more individuals with developmental disabilities graduate from school and enter post secondary education and/or integrated competitive employment (please see page 54, Goal A1, Strategy A1-1).

These recommendations should increase interagency collaboration to develop an infrastructure to support and further employment as a priority outcome.

Employment First Movement

But the toughest challenge of all is when people with disabilities are seen as “them” and not as “us”. A job can change that. A job is more than a paycheck; it is a source of dignity. The workplace can be a productive and fulfilling place – a place where people with disabilities transform their lives from the margins to the mainstream, and can be seen as the valuable and complete people they are.⁷⁴

Across the country, states are joining the Employment First movement, which advocates for integrated competitive employment as the desired and preferred outcome for working aged individuals with developmental disabilities. Integrated employment refers to jobs where employees with developmental disabilities work alongside employees without disabilities. Competitive wages refer to earning at least minimum wage, earning the same as other people performing similar work. Additionally, integrated employment includes activities such as forming one’s own business – activities of typical working-age adults.

⁷⁴ Testimony of J. Randolph Lewis, Senior Vice President of Supply Chain and Logistics, Walgreen Co., Deerfield, Illinois, on Employment of Individuals with Development Disabilities to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

Employment first policies are about increasing the expectations people have regarding the employment of individuals with developmental disabilities. States focusing on integrated employment include Tennessee, Washington, Indiana, Pennsylvania, Minnesota, Georgia, North Dakota, Wisconsin and Missouri. While all of these states have committed to raising expectations, the manner in which this is pursued differs widely.

Although California does not have an employment first policy, there have been services and supports that have incorporated the basic tenets of employment first – earning at least minimum wage in an integrated environment working alongside employees without disabilities. For example, the Council awarded a substantial grant to develop, nurture, and incubate numerous Project SEARCH sites.⁷⁵ Increasing retention and productivity, while bringing in the expertise to support participants, Project SEARCH brings valued outcomes to the businesses with whom they partner and well paying jobs for the participants.

Examples of Employment First in Other States⁷⁶

Colorado: The Division of Developmental Disabilities has a goal to increase the number of individuals with developmental disabilities employed by at least 5% per year. Employment is the primary service option and the policies require that integrated employment is specifically addressed annually in individualized service plans.

Oklahoma: Services funded by Oklahoma's Developmental Disabilities Services Division have the goal of full-time employment, with specific options:

- full-time employment at prevailing wages at an occupation of the service recipient's choice with natural supports;
- if a service recipient cannot secure enough work hours through a single job of the service recipient's choice, then two part-time jobs or a job that is not the service recipient's first preference may need to be sought to equal a full time job;

⁷⁵ Project SEARCH is described in greater detail in the **Glossary**.

⁷⁶ "SELN Working Document, Q&A's on State Employment First Policies", March 2008, State Employment Leadership Network.

- if a fully integrated opportunity is not currently available, employment of the service recipient's choice in an enclave in a business or industry, with or without paid supports, is an option; or,
- if there are no paid jobs to be found, temporary unpaid training or volunteer service, in accordance with Department of Labor regulations, with or without paid supports, may be an option for the purpose of resume building or job exploration, or temporary participation in real work in a center-based setting.

Pennsylvania: Employment is the first “day service” option that should be explored for adults in Division of Mental Retardation Services, Medicaid or State funded supports. Employment is always considered as the appropriate outcome for an adult. Employment services and supports are viewed as the most appropriate service unless there is a compelling reason for recommending another service.

Washington: Adopted an employment *only* option for working age adults with developmental disabilities. The Division of Developmental Disabilities has a policy that “designates employment supports as the primary method of furnishing state-financed day services to adult participants,” and goes on to specifically state that “supports to pursue and maintain gainful employment in integrated settings in the community shall be the primary service option for working age adults.” Rather than eliminating sheltered workshops, Washington’s policies focus on supports for integrated employment or taking steps to move forward in that direction.

Best Practices

Best practices exist for the employment of individuals with disabilities within varied settings such as one stop service centers, state government, and federal government. One study⁷⁷ of nationwide best practices for increasing the number of individuals with developmental disabilities in integrated employment included the following:

- Existence of strong, clear and unambiguous state developmental disabilities agency policies, rules, and programmatic requirements

⁷⁷ “Revitalizing Integrated Employment: A Study of Nationwide Best Practices for Increasing Integrated Employment Outcomes Among People with Developmental Disabilities”, Lisa Mills, Ph.D., <http://www.nchsd.org/libraryfiles/Conferences/2007/MillsRevitalizingIntegratedEmploymentFinalSept07.pdf>

intended to support a clearly articulated agency preference for, and commitment to, integrated employment for individuals with developmental disabilities;

- Use of funding incentives to encourage the expansion of integrated employment opportunities and/or funding disincentives to discourage the use of facility-based employment and non-work services;
- Liberal definition for the kinds of employment arrangements which qualify for supported employment funding;
- Adequate state agency staffing dedicated to employment;
- Investment in on-going training and technical assistance;
- Commitment to supporting organizational change among facility-based providers; and
- Use of a comprehensive data tracking system focused on integrated employment outcomes.

When conducting an analysis of high performing states in integrated employment, one study⁷⁸ noted the following themes of what is working:

- Clearly defined goals and data collection;
- Strong agency leadership;
- Interagency collaboration;
- Ongoing training and outreach;
- Communication through relationships;
- Local control; and
- Flexibility and respect for innovation.

These best practices and themes provide a framework for how California can increase the employment of individuals with developmental disabilities in integrated competitive employment. The remainder of this report addresses an employment first policy, specific strategies, goals, and steps

⁷⁸ "High-Performing States in Integrated Employment", A. Cohen, J. Butterworth, D. Gilmore, & D. Metzel, Research to Practice, Vol. 9, No. 1, February 2003

to ensure that California has a plan, following best practices, which results in more individuals with developmental disabilities being employed in integrated competitive settings.

Recommended Employment First Policy for California

It is the policy of the State of California that integrated competitive employment is the priority outcome for working age individuals with developmental disabilities.

In plain language:

WORK IS FOR ALL

Key Principles Underpinning California's Employment First Policy

Employment First has a set of guiding principles that provide a framework for its implementation.

- The individual program plan (IPP) and the provision of services and supports is centered on the individual and the family. The IPP and the provision of services take into account the needs and preferences of the individual and family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments.
- The current low employment rate of individuals with developmental disabilities in the workforce is unacceptable.
- Employment is the preferred option when developing goals and a life plan for individuals with developmental disabilities.
- Individuals retain the right to make choices about their own lives.
- All people have the right to pursue the full range of available employment opportunities, and to earn a competitive wage in a job of their choosing, based on their talents, skills, and interests.

- Access to choices and opportunities to earn competitive wages is essential if individuals with developmental disabilities are to be contributing members of society.
- All working age youths and adults with developmental disabilities are able to and will have the choice and opportunity to work in jobs integrated with the general workforce, working side-by-side with co-workers without disabilities, earning benefits and competitive wages.
- As with all other individuals, employees with developmental disabilities require assistance and support to ensure job success and have a right to those supports.
- Implementation of Employment First principles must be based on clear public policies, adequate funding, and practices that ensure employment of individuals with developmental disabilities with the general workforce.
- Inclusion or exclusion of the specific term “Employment First” does not determine whether a public system or agency has adopted employment first principles. Such a determination can only be made by examining whether the underlying policies, procedures, funding structure, and infrastructure are designed for and ultimately result in increased integrated competitive employment for individuals with developmental disabilities.

Measuring Successful Implementation of Employment First

The outcome of Employment First is increased participation in integrated competitive employment by individuals with developmental disabilities. Further, there is an expectation that individuals with developmental disabilities will have the same opportunities as their co-workers: earning prevailing wages, and provided benefits and opportunities for advancement. Below are characteristics that would demonstrate the successful implementation of Employment First.

- Increases in employment, income, continuity of employment, and benefits of individuals with developmental disabilities within the general workforce, earning competitive wages and benefits.

- Increases in opportunities exist for individuals with developmental disabilities to pursue self-employment and the development of microenterprises or small businesses.
- Individuals with developmental disabilities are employed with the general workforce, regardless of the severity of disability and need for accommodation available to the general workforce.
- Young individuals with developmental disabilities have work experiences that are typical of other youth.
- Individuals with developmental disabilities are valued by employers as an integral part of their workforce as evidenced by their inclusion within their workforce culture, career development, and general recruitment and hiring efforts.
- Individuals with developmental disabilities have avenues for increasing income and benefits, accruing assets, and building wealth.
- Individuals with developmental disabilities have increased opportunities to advance in their careers.
- Employers' reasonable accommodations and supports are available as needed.
- Futures plans for youth and adults with developmental disabilities (such as individual program plans) address integrated competitive employment while respecting an individual's right to control their future.
- Individuals who are in non-work activities and/or sheltered workshops evolve into integrated competitive employment.
- Regional centers, the Department of Developmental Services, the Employment Development Department, the Department of Rehabilitation, and other agencies track individuals' life changes and work status.

- Technical assistance,⁷⁹ appropriate funding, knowledge, skill development, and benefits management and support is available to individuals with developmental disabilities, serve and support providers, job developers, job coaches, agencies, and employers.
- Options of postsecondary education, career education, adult education, etc. are identified and pursued if so desired by the individual.
- Enrollment and graduation rates increase for post-secondary education and career school.
- Every school district has cooperative working arrangements and relationships with the Department of Rehabilitation, regional centers, local service providers, and colleges designed to develop collaborative approaches, services, and positive outcomes for students into work and/or postsecondary education.
- The employment of individuals with developmental disabilities follows natural proportions.
- There is access to appropriate technology needed to maximize skills and earnings.

Goals and Strategies to Implement Employment First in California

The following goals and strategies for implementing Employment First represent an initial approach to identifying measureable activities that could be pursued; however, they should not be viewed as an absolute list. Because the process of implementing an Employment First policy and approach in California must be fluid to adjust to changes in the environment, these goals and strategies will continually be reviewed, measured and changed as deemed appropriate. Furthermore, there are some strategies that are simply not feasible in an era of reduced budgets and narrowing eligibility – such strategies should be viewed as long range, while there are others that lend themselves to immediate action.

⁷⁹ Technical assistance is imparting brief, professional information.

In developing these goals and strategies, the Employment First Committee and interested parties strived for consistency with nationwide best practices and focused on increasing the number of individuals with developmental disabilities in integrated competitive employment. The strategies are grouped into categories that address education and transition, getting, keeping and supporting a job, employers and services that indirectly support employment.

One strategy that was identified as a core element of achieving integrated competitive employment is self-direction, or having control over what is needed and obtained to support movement toward individual employment goals. When addressing publically funded services and supports designed to prepare people for employment, self-directed services and supports enable individuals with developmental disabilities to select, hire, and manage their publically funded services. Individuals identify their goals and needs and select services and supports necessary to support those as part of their individual program plan process, they receive an individual budget to purchase the services and supports and manage their own providers. Through self-directed services, individuals with developmental disabilities can guide and control their futures, with appropriate assistance from families, regional centers, providers of services and friends. This provides the freedom to plan and customize services, the authority to control and direct their budget, and the support needed to manage their services.⁸⁰

Toward addressing this overarching and cross-cutting issue, the Council recommends the following:

Goal 0: Self-directed services are available as an option to all individuals with developmental disabilities.⁸¹

- **Strategy 0-1:** Develop and support options for self-determination and individual choice budgeting to provide resources for individuals with developmental disabilities and their families to use in securing services and supports that best meet their needs.

⁸⁰ “Self-Directed Services, You Are in Charge”, Department of Developmental Services (DDS), accessed April 27, 2011, at <http://www.dds.ca.gov/SDS/docs/SDSPamphletEnglish.pdf>

⁸¹ “Your Day, Your Way, SB 1270 Report on Expanding Opportunities and Choice in California’s Day Program Services for Individuals with Developmental Disabilities”, State Council on Developmental Disabilities (2007), p. 49

- The Council believes that people with disabilities and their families are best suited to identify and understand their unique needs and how best to address those needs.

With respect to the other priority areas identified by the committee, the Council recommends the following goals and strategies.

A. Education and Transition

Goal A1: Increase interagency collaboration and efficiently provide services and supports through the use of blended or braided funding.

- **Strategy A1-1:** Review current transition regulations to determine if they can be strengthened to ensure adequate collaboration among the Departments of Education, Employment Development, Rehabilitation, and Developmental Services, schools, regional centers, and service and support providers to promote, develop and support work experience, training, and on-the-job training for students with developmental disabilities.
- **Strategy A1-2:** The Department of Rehabilitation (DOR) in conjunction with the UCLA Tarjan Center is monitoring and evaluating the College to Career (C2C) grants. If successful, DOR shall pursue expansion of this model.
 - There are 5 such grants throughout the state that will be supporting 60 regional center service recipients in each area to attend community colleges. See page **33** for more information.
- **Strategy A1-3:** Regional occupational center (ROP) programs should be used in conjunction with school-to-work transition programs and the funding for both programs blended to ensure sufficient level of support.
- **Strategy A1-4:** Develop and support of a demonstration project between DOR, local educational agencies, and regional center service

providers, using braided and blended funding toward increasing integrated competitive employment.⁸²

- **Strategy A1-5:** Support and promote access to postsecondary education by students with developmental disabilities through improved interagency collaboration.⁸³
- **Strategy A1-6:** Research postsecondary education models designed to increase the employability of individuals with disabilities and disseminate and replicate those as demonstration projects.⁸⁴
- **Strategy A1-7:** Develop methods to braid or blend funding for students with developmental disabilities by the Departments of Education, Rehabilitation, Developmental Services, and institutions of higher education to support postsecondary education.⁸⁵
- **Strategy A1-8:** Include institutions of higher education, the California Community Colleges Chancellor's Office, California State University and University of California systems as entities for collaboration and partnership in the areas of education, transition, and employment.⁸⁶

Goal A2: Publicize successful transition programs.

- **Strategy A2-1:** Showcase successful school-to-work transition approaches.

Goal A3: Prepare students with developmental disabilities for work and create more opportunities for integrated competitive employment.

⁸² Institute for Community Integration, Research to Practice newsletter, Pg. 2

⁸³ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

⁸⁴ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

⁸⁵ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

⁸⁶ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

- **Strategy A3-1:** Develop mechanisms to allow school districts to purchase employment services, identified in the individual transition plan (ITP), directly from adult service providers.
- **Strategy A3-2:** Develop a regional center vendor category for short term programs to assist individuals to develop employment skills (e.g., Project SEARCH).
- **Strategy A3-3:** Discuss postsecondary educational options at individualized education program (IEP) meetings, during the transition process. If appropriate, include goals, objectives, and appropriate services and supports in the IEP.
- **Strategy A3-4:** Require the California Department of Education to encourage school districts to create mentoring programs to encourage and prepare students with developmental disabilities for integrated employment.
- **Strategy A3-5:** Publicize and promote the replication of successful postsecondary education programs whose outcomes prepare students for integrated competitive employment.⁸⁷
- **Strategy A3-6:** Pilot programs modeled upon Project SEARCH approach to employment development.
- **Strategy A3-7:** Require the Department of Developmental Services to establish a new vendor category for the provision of services and supports in postsecondary education.⁸⁸
- **Strategy A3-8:** Add the following language to Welfare and Institutions code, Section 4501 "...developmental disabilities present social,

⁸⁷ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

⁸⁸ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

*educational, medical, economic, and legal problems of extreme importance.*⁸⁹

- **Strategy A3-9:** Add the following definition for education in Welfare and Institutions code, Section 4512 *“Education means preschool, elementary, secondary, and postsecondary instruction and training.”*⁹⁰

Goal A4: Regional centers have the expertise needed to successfully transition students into postsecondary education and/or integrated competitive employment.

- Every regional center service coordinator should have employment training from experts to instruct them on the processes of transition and employment.
- **Strategy A4-1:** Require and fund a dedicated employment specialist at each regional center, to enhance the level of information about employment and related issues available to individuals with developmental disabilities, families, service coordinators and employers.
- **Strategy A4-2:** Ensure competency-based training regarding employment is provided to regional centers by the Department of Rehabilitation and/or other qualified entities.
 - Training should include discussion of options such as supported employment, microenterprises, and other integrated competitive employment options. Training should occur at least annually to be responsive to the labor market and new options and technology.
- **Strategy A4-3:** Ensure sufficient competency-based training regarding transition options is provided to regional centers by the Department of Education or other qualified entities.

⁸⁹ “Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities”, Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

⁹⁰ “Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities”, Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

- Training must include the transitional process, postsecondary education, and the distinction between services provided under IDEA and postsecondary education. Training should occur at least annually due to changes statutes, regulations, programs, services, and postsecondary options.⁹¹
- **Strategy A4-4:** Require the involvement of regional centers in the transition IEP process.
 - Ideally regional center service coordinators will introduce the idea of employment to students and their families at middle/junior high school to assist students set goals and receive service, supports and resources toward integrated competitive employment as a viable option.
- **Strategy A4-5:** Require that employment and postsecondary educational options be discussed and explored at every individual program plan (IPP) meeting for every individual with developmental disabilities over the age of 14 years. If the person eventually wishes to work, barriers to work must be identified, steps developed to eliminate or ameliorate the barriers, and a plan for achieving integrated competitive employment incorporated into the IPP.
- **Strategy A4-6:** Provide funding to each regional center to employ a designated benefits counselor to assist individuals with developmental disabilities and their families understand the desirability of employment even if benefits change, assist them to access benefits such as Social Security impairment related work expenses (IRWE) for transportation and other needs, etc.

Goal A5: Eliminate delays in finding jobs.

- **Strategy A5-1:** Clarify Title 17 to indicate a referral to the Department of Rehabilitation for supported employment can be made for students six months to one year prior to graduation.

⁹¹ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

Goal A6: Increase expectations regarding employment for individuals with developmental disabilities.

- **Strategy A6-1:** Educate parents/families and teachers about the options of employment through the use of examples and media materials.
- **Strategy A6-2:** Require the involvement of regional centers in the transition IEP process.
 - Regional center service coordinators will introduce the idea of employment to students and their families at middle/junior high school to assist students set goals and receive service, supports and resources toward integrated competitive employment as a viable option.

Goal A7: Employment is discussed at individual transition program (ITP) meetings.

- **Strategy A7-1:** Promote statutory language (federal and state) that requires the ITP team to address employment at each ITP meeting.
- **Strategy A7-2:** Require the involvement of Department of Rehabilitation in the IEP/transition planning process.

Goal A8: Make transition planning more accessible to students and their families.

- **Strategy A8-1:** Require the California Department of Education to develop and make available plain language, standardized processes and forms for transition planning. Development of plain language materials must include the participation of the end-users (students and families).

Goal A9: Leverage employment opportunities and trends.

- **Strategy A9-1:** Provide training to students in sectors experiencing job growth (e.g., green jobs).

B. Getting a Job

Goal B1: Sufficient supports are provided to assist people to locate and obtain employment.

- **Strategy B1-1:** In order to provide individuals needed support to obtain integrated competitive employment, allow day programs, on an individual, time limited-basis, to convert group day service rates to a 1 to 1 hourly service for an individual who is actively seeking integrated competitive employment so they can receive necessary supports at no additional costs to the service system.
- **Strategy B1-2:** Require the Employment Development Department (EDD) to provide training at county level (e.g., Workforce Investment Boards, One-Stop Career Centers, and Youth Training Centers) designed to encourage identification of employers/contractors to hire individuals with developmental disabilities as part of their contracts with EDD.
- **Strategy B1-3:** Analyze California and federal regulations to evaluate if recommendations should be made pertaining to the promotion of start-up companies and self-employment.
- **Strategy B1-4:** All employers should be encouraged, when developing or renovating their worksites, to use universal design to accommodate all employees, including those with disabilities.

Goal B2: Supported employment providers have expertise and resources needed to support individuals with developmental disabilities to locate and obtain integrated competitive employment.

- While there are exemplary programs and professionals providing employment supports for individuals with developmental disabilities, there are many people in the field who do not have the skills needed to assist people to obtain and maintain employment.
- **Strategy B2-1:** Require the State Workforce Incentive Board to utilize a portion of their discretionary funds to develop and enhance the skills of community-based employment services (e.g. job development) to

enhance their services and supports for individuals with developmental disabilities.

- **Strategy B2-2:** Revise the Departments of Developmental Services and Rehabilitation's rate structures for employment services to incentivize integrated competitive employment outcomes consistent with Employment First goals.
- **Strategy B2-3:** Develop a reimbursement mechanism that correlates to the actual costs to develop customized employment opportunities for individuals with complex needs.
- **Strategy B2-4:** DOR shall continue to seek additional funding sources to provide incentives in individual placement supported employment.
- **Strategy B2-5:** Investigate job coaching and job development rates in other states for the purpose of comparing California's service provider infrastructure and capacity.
- **Strategy B2-6:** Investigate how other states are providing services that result in employment and support individuals with developmental disabilities.

Goal B3: Regional centers and the Department of Rehabilitation (DOR) promote and facilitate the integrated competitive employment of individuals with developmental disabilities.

- In general regional center service coordinators are not as experienced or well versed on the topic of employment as is Department of Rehabilitation yet are expected to address employment training and options.
- **Strategy B3-1:** Involve DOR counselors in coordinated individualized plan for employment (IPE) and individual program plan (IPP) planning processes as appropriate.
- **Strategy B3-2:** Request funding to add a dedicated position at each regional center for a qualified employment specialist to enhance the level of information about employment and related issues available to

individuals with developmental disabilities, families, service coordinators and employers.

- **Strategy B3-3:** Require work to be discussed and explored at every individual program plan (IPP) meeting for every working aged adult with a developmental disability. If the person eventually wishes to work, barriers to work must be identified, steps developed to eliminate or ameliorate the barriers, and a plan for achieving integrated competitive employment incorporated into the IPP.
- **Strategy B3-4:** Ensure competency-based training regarding employment is provided to regional centers by the Department of Rehabilitation or other qualified entity.
 - Training should include discussion of options such as supported employment, microenterprises, and other integrated competitive employment options. Training should occur at least annually to be responsive to the labor market and new options and technology.
- **Strategy B3-5:** Require DOR, DDS, and regional centers, to collaborate at least annually to identify and provide necessary training for staff on information and strategies to implement the Employment First strategy.
- **Strategy B3-6:** Sponsor webinars to illustrate “best practice” information and materials with DOR, regional centers, schools, EDD, and DDS.
 - This information could be culled from existing resources such as the “Catch the Wave to Success” campaign found on the websites of San Diego community colleges. Also, look at what other states such as Oregon and Tennessee offer to see what can and should be replicated.

Goal B4: Support the desires and efforts to individuals with developmental disabilities from segregated employment settings and/or settings with subminimum wages to integrated competitive employment opportunities.

- Some individuals with developmental disabilities are nonverbal and primarily express their desires through behavior. In order to ensure individuals who are nonverbal do not remain in segregated settings

and/or earn minimum wage, it is recommended that individuals who are nonverbal have the opportunity to work in integrated competitive employment and their behavior evaluated to determine their desires.

- **Strategy B4-1:** Require sheltered employment settings to educate program participants about integrated competitive employment options and assist them to focus on skill development to obtain employment.
- **Strategy B4-2:** Require that integrated competitive work is discussed and explored at every individual program plan (IPP) meeting for every adult with a developmental disability working in nonintegrated employment or earning less than minimum wage. If the person eventually wishes to engage in integrated competitive work, barriers to integrated competitive work must be identified, steps developed to eliminate or ameliorate the barriers, and a plan for achieving integrated competitive employment incorporated into the IPP.

Goal B5: Support the desires and efforts of individuals with developmental disabilities to create their own businesses.

- **Strategy B5-1:** Vendor and purchase support services to assist people in their efforts to create microenterprises or self-employment.
- **Strategy B5-2:** Analyze existing regulations to identify if any create barriers to individuals with developmental disabilities being self-employed and eliminate any such barriers.

C. Keeping and Supporting a Job

Goal C1: Supported employment providers have the expertise and support required to support people.

- While there are exemplary programs and professionals providing employment supports for people with developmental disabilities, there are many people in the field who do not have the skills needed to assist people with developmental disabilities to obtain and maintain employment.

- **Strategy C1-1:** Professionalize community-based employment services (e.g. job coaching) by training staff to be more knowledgeable, and develop greater expertise by requiring the State Workforce Incentive Board to utilize a portion of their 15% discretionary funds to train/develop skills of staff who work in employment support for people with developmental disabilities.
- **Strategy C1-2:** DDS should establish, fund, and enforce a wage standard to ensure the recruitment and retention of skilled job coaches. The process should include an analysis of requirements and wages paid in other states.
 - In some instances, job coaches are being paid less than the people they support.

Goal C2: Assure individuals with developmental disabilities have supports required to allow them to travel to their jobs.

- **Strategy C2-1:** For individuals considering or in integrated competitive employment, require that their IPP identify transportation options/solutions to assure they can obtain and retain a particular job, including but not limited to, the provision of mobility training and payment for transportation provided by residential or day services when public transportation (including paratransit) is not an option and the individual makes insufficient wages to pay for their own specialized transportation.
- **Strategy C2-2:** Individuals with developmental disabilities who want jobs, and companies committed to hiring them, would benefit if additional resources were made available to help potential employees succeed in the workforce, including but not limited to, increased flexibility, access and funding for job coaches for long term supports, and mechanisms to use the employer's employees as job coaches.⁹²

Goal C3: Ensure people have the necessary supports required to keep their jobs.

⁹² Testimony of J. Randolph Lewis, Senior Vice President of Supply Chain and Logistics, Walgreen Co., Deerfield, Illinois, on Employment of Individuals with Development Disabilities to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

- **Strategy C3-1:** Amend Welfare and Institutions Code Section 4692 to exempt, on an individual basis, services that support individuals in integrated competitive employment from reductions that impact their potential for success in their jobs.
 - Mandated program closure days impact the ability of people to work at their jobs when they receive supports from day services.
- **Strategy C3-2:** Amend existing regulations that prohibit a resident from being unsupervised for a limited period of time in a licensed community care facility when that person is employed in integrated competitive employment.
- **Strategy C3-3:** Ensure individuals with developmental disabilities have access to appropriate technology to maximize skills and earnings and/or remove barriers to integrated competitive employment opportunities.
- **Strategy C3-4:** Raise the stabilization level from 20% to 40% for individuals who require a greater level of supported employment support to be stabilized on their integrated competitive employment.^{93, 94}

D. Employers

Goal D1: Educate employers regarding the business advantages and value added to their workforce in hiring individuals with developmental disabilities.

- Education, training, and informational activities should include, but not be limited to, the benefits of purchasing goods and services from

⁹³ Individuals with developmental disabilities in individual placement supported employment (see **Glossary**) are typically initially provided with full time job coaching support. This support is then faded out over time. When the person performs satisfactorily and does not require great support, they are considered to be “stabilized” on the job when the job coach provides support approximately 20% of the person’s work schedule (to receive support such as to learn new tasks, complete time sheets, and so on). This strategy refers to the provision of a greater level of support to maintain one’s job when such support is necessary.

⁹⁴ “Your Day, Your Way, SB 1270 Report on Expanding Opportunities and Choice in California’s Day Program Services for Individuals with Developmental Disabilities”, State Council on Developmental Disabilities (2007), p. 56

small businesses (microenterprises) owned by individuals with developmental disabilities.

- **Strategy D1-1:** EDD and DOR should prioritize the use of existing resources to educate employers regarding the business advantages to including individuals with developmental disabilities in their workforce.
- **Strategy D1-2:** SCDD, in collaboration with the DDS Consumer Advisory Committee and the Governor's Committee on the Employment of People with Disabilities, should seek funding to produce a promotional video for consumers to highlight the positive aspects of having a real job.
- **Strategy D1-3:** SCDD, in collaboration with EDD and DOR, should seek funding to produce a promotional video designed to educate employers about the merits and assets of employing individuals with developmental disabilities.
- **Strategy D1-4:** The Governor's Committee on the Employment of People with Disabilities, in collaboration with SCDD, DDS, DOR, EDD and the California Chamber of Commerce, should develop and implement an information campaign to inform employers of the benefits of employing individuals with disabilities (e.g., We Include).
- **Strategy D1-5:** Encourage employers to purchase goods and services from small businesses (microenterprises) owned by individuals with developmental disabilities.

Goal D2: Increase the number of individuals with developmental disabilities that are employed in integrated competitive jobs.

- **Strategy D2-1:** Require the Employment Development Department (EDD) to provide training at county level (e.g., Workforce Investment Boards, One-Stop Career Centers, and Youth Training Centers) designed to encourage identification of employers/contractors to hire individuals with developmental disabilities as part of the contract with EDD.

- **Strategy D2-2:** Require government contractors to ensure at least 0.5% of their workforce includes individuals with developmental disabilities.
 - Through approximations noted on page 29, DDS served (through the regional centers) 114,312 individuals with a developmental disability aged 18 to 61. The workforce participation rate for people without a disability is approximately 70%. Assuming such a participation rate for individuals with a developmental disability, one would expect approximately 80,000 individuals with a developmental disability in the California workforce. Dividing this number into the total number of people in the workforce (16,281,515) provides a rough approximation for the percentage of individuals with developmental disabilities who should be in the workforce, which is 0.5%.
- **Strategy D2-3:** SCDD, in collaboration with the Governor's Committee on Employment of People with Disabilities, should develop a communication and recognition program for State's private sector vendors that hire individuals with developmental disabilities.
- **Strategy D2-4:** Individuals with developmental disabilities who want jobs, and companies committed to hiring them, would benefit if additional resources were made available to help potential employees succeed in the workforce, including but not limited to, increased flexibility, access and funding for job coaches for long term supports, and mechanisms to use the employer's employees as job coaches.⁹⁵
- **Strategy D2-5:** SCDD, in collaboration with EDD, DOR, DDS, CDE and others, should sponsor a bi-annual symposium for employers highlighting successful employment situations and having employers present "how to" tips to other employers.⁹⁶

Goal D3: Increase the number of individuals with developmental disabilities employed by the State of California.

⁹⁵ Testimony of J. Randolph Lewis, Senior Vice President of Supply Chain and Logistics, Walgreen Co., Deerfield, Illinois , on Employment of Individuals with Development Disabilities to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

⁹⁶ Testimony of J. Randolph Lewis, Senior Vice President of Supply Chain and Logistics, Walgreen Co., Deerfield, Illinois , on Employment of Individuals with Development Disabilities to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

- **Strategy D3-1:** SCDD in collaboration with the Governor's Committee on the Employment of People with Disabilities and other lead agencies should jointly develop and coordinate efforts to fully include individuals with developmental disabilities in the implementation of the Governor's Executive Orders regarding the employment of people with disabilities (S-11-10, S-04-05, S-6-04, S-18-04).
- **Strategy D3-2:** Organized labor should develop and adopt a Statement of Principles that encourages greater participation of individuals with developmental disabilities within their membership.
- **Strategy D3-3:** The Governor will issue an executive order requiring state departments to ensure at least 0.5% of their workforce includes individuals with a developmental disability. Please see Strategy **D2-2** for more information.
- **Strategy D3-4:** The Governor's Committee should host "a roundtable discussion" with representatives of California's organized labor to develop strategies for the implementation of the Executive Orders, as specifically related to individuals with developmental disabilities.
- **Strategy D3-5:** The State Personnel Board (SPB) should revise the Limited Examination and Appointment Program (LEAP) and make it more effective for individuals with disabilities to be employed by state agencies.
- **Strategy D3-6:** State agencies should pilot a program modeled upon Project SEARCH.
- **Strategy D3-7:** SCDD, in collaboration with the Governor's Committee, EDD, and DDS, should develop and disseminate information regarding the State's commitment to promoting the employment of individuals with developmental disabilities.
- **Strategy D3-8:** The Governor will issue an executive order that will encourage state departments to purchase goods and services from small businesses (microenterprises) owned by individuals with developmental disabilities.

E. Indirect Supports and Services that Support the Ability to Work

Goal E1: Individuals with disabilities understand the impact of work on their public benefits.

- **Strategy E1-1:** Provide funding to each regional center to employ a designated benefits counselor to assist individuals with developmental disabilities and their families understand the desirability of employment even if benefits change, assist them to access benefits such as Social Security impairment related work expenses (IRWE) for transportation and other needs, etc.
- **Strategy E1-2:** SCDD, DDS, DOR, CDE, and EDD should develop and conduct training for staff to improve their knowledge base and consistency when assisting people to understand the benefits of working and how wages affect public benefits.
- **Strategy E1-3:** SCDD, in collaboration with DDS, should develop consumer and family information (in plain and multiple languages and formats) that clearly explain how work impacts public benefits.
- **Strategy E1-4:** SCDD, in collaboration with consumer-directed self-advocacy groups, should develop materials to assist people to locate and use websites regarding how to access and use disability benefits websites.

Goal E2: Make public benefits more flexible to support working individuals with developmental disabilities.

- **Strategy E2-1:** Analyze and make recommendations, if appropriate, about increasing the wage cap on earnings and the number of people living in a household for the Working Disabled program to increase access to the program for individuals.
- **Strategy E2-2:** In order to ensure individuals with developmental disabilities remain healthy so they can work, SCDD should advocate to permit Medicaid to pay private insurance premiums on either the individual market or within a group-based plan for working individuals

with disabilities, so as to allow access to the private insurance market for this population while reducing Medicaid's health care costs and maintaining access to long term services and supports.⁹⁷

- **Strategy E2-3:** SCDD should analyze and, if appropriate, advocate for the development of a new Social Security disability support program designed to replace SSI for eligible individuals with disabilities ages 14-28. Such a program should not be income-limited or require an individual to not work, but should provide benefits for the purpose of financing transition-related expenses, such as post-secondary education, employment support, assistive technology and other relevant expenses.⁹⁸

Again, some strategies lend themselves to immediate action, while others are long range in nature. It is expected that as the employment market, governmental funding, and other relevant factors change, strategies may move from the long term to the immediately actionable. Additionally, future Employment First reports will outline progress made on these strategies and revise them to reflect such changes.

Evaluating Outcomes

A core goal of implementing an Employment First policy is that people who desire to work will have the opportunity to do so. Outcomes, which can be impacted by the individual program plan (IPP) development process, must be established and measured to determine the progress made toward this goal. Therefore, the Council finds that the following outcomes should be established and measured. The Council will provide updates on the progress made in achieving these outcomes in subsequent annual reports.

By December 31, 2012, the number of individuals with developmental disabilities employed in California state government will increase by 5%.

By December 31, 2012, 10% of individuals with developmental disabilities receiving services in sheltered workshops will transition to integrated employment opportunities.

⁹⁷ CPSPD Response to Harkin Disability Employment Summit, Pg. 6, #3

⁹⁸ CPSPD Response to Harkin Disability Employment Summit, Pg. 6, #1

By December 31, 2013, the number of individuals with developmental disabilities working in integrated competitive employment will increase by 10%.

By December 31, 2013, the number of individuals with developmental disabilities working in supported employment individual placement programs earning at least minimum wage will increase by at least 10%.

By December 31, 2013, the number of individuals engaged in microenterprise businesses will increase by at least 5%.

- For the purpose of this outcome, microenterprise businesses are defined as the number of new businesses launched (with business licenses, tax payer identification numbers other than social security numbers, separate business bank account, etc.).

By December 31, 2013, the gross receipts of individuals with developmental disabilities engaged in microenterprise businesses will increase by at least 5%.

By December 31, 2014, the number of individuals with developmental disabilities who transition into integrated employment competitive from high school will increase by at least 10%.

By December 31, 2014, 100% of working age individuals with a developmental disability will have employment discussed and explored at the individual program plan (IPP) meeting, and if the person wishes to work, barriers to work will be identified, steps will be developed to overcome them, and a plan to work will be incorporated into the IPP.

By December 31, 2014, the number of individuals with developmental disabilities who transition into post secondary education will increase by at least 5%.

By December 31, 2014, develop a methodology to measure reduced reliance on public benefits by individuals with developmental disabilities because they have entered into integrated competitive employment.

Next Steps and Conclusion

As the initial report of the Council's Employment First Committee, a great journey has been embarked. **Enormous commitment, much effort, and significant resources will be required to accomplish even a fraction of the recommendations in this report.** However, moving California toward employment first is an undertaking of critical importance in order to facilitate the dignity and independence of individuals with developmental disabilities. And like every great journey, it begins with one step.

The first step to making "employment first" a reality in California is to incorporate the Employment First policy (page **49**) into California statute. Further, require that all state agencies that serve individuals with developmental disabilities (DDS, DOR, EDD, CDE, etc.) adhere to its tenets, while respecting an individual's right to make choices about their own life. In order to measure progress toward the employment first goal, agencies that collect and retain data on the status of individuals with developmental disabilities must develop a coordinated data collection and reporting system which allows for the tracking of individuals throughout their lives across numerous service delivery agencies and organizations.

Another step, most ready for legislative action, is to support **Goal 0** (page **53**), which is to ensure that self-directed services are available as an option to all individuals with developmental disabilities. By bringing the tools of self-determination and individual choice budgeting available through self-directed services, people will be able to secure the resources, services, and support that best meet their needs.

Other strategies most ready for immediate legislative or regulatory action are:

- **Strategy B1-1:** In order to provide individuals needed support to obtain integrated competitive employment, allow day programs, on an individual, time limited-basis, to convert group day service rates to a 1 to 1 hourly service for an individual who is actively seeking integrated competitive employment so they can receive necessary supports at no additional costs to the service system.
- **Strategy C3-1:** Amend Welfare and Institutions Code section 4692 to exempt, on an individual basis, services that support individuals in

integrated competitive employment from reductions that impact their potential for success in their jobs.

- **Strategy C3-2:** Amend existing regulations that prohibit a resident from being unsupervised for a limited period of time in a licensed community care facility when that person is employed in integrated competitive employment.
- **Strategy D2-2:** Require government contractors to ensure at least 0.5% of their workforce includes individuals with developmental disabilities.

Through the Employment First Committee, the Council has collaborated with key agencies and organization. The Council will continue to work with these agencies and organizations in order to refine and pursue strategies that are appropriate within the Council's overall mission. Further, it will advocate for and collaborate with other agencies and organizations toward the implementation of goals and strategies that are outside of the Council's area of direct responsibility. Progress made will be outlined in subsequent annual reports.

In light of the recommendations made surrounding the existing sources of data (page **24**), the outcome measurements need to be developed and refined. Doing so will enable the outcomes to be measured not only on a *relative* level, but also on an *absolute* level. The Council will continue to work with an interagency group exploring these issues and anticipates issuing specific recommendations.

Moving California toward employment first will result in more individuals with developmental disabilities living more independent lives through integrated competitive employment. The Council welcomes the opportunity to work with leaders to craft a system whose outcome is support that can truly be counted upon by individuals with developmental disabilities to obtain and keep integrated competitive jobs.

Acknowledgements

The State Council on Developmental Disabilities thanks and acknowledges the efforts of the following individuals, without whom this report would not have been possible: Assemblymember Jim Beall Jr., Michael Bailey, Olivia Raynor, the Employment First Committee, Rachel Chen, Lisa Cooley, Eric Gelber, Marcia Good, Dayon Higgins, Connie Lapin, Liz Lyons, Patti O'Brien, Carol Risley, Christofer Arroyo, Dawn Morley, Rocio Smith, Vicki Smith, Mary Ellen Stives, Scarlet vonThenen, Mark Starford and the staff of the Board Resource Center, and the representatives of the Departments of Developmental Services, Rehabilitation, Employment Development, and Education.

Additionally, the Council thanks the State Employment Leadership Network (SELN), APSE, and the Collaboration for Self-Determination (CPSD) for laying the foundation that inspired much of this report.

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APPENDIX A

AB 287

Insert AB 287 here. There may be multiple files to interweave.

DRAFT

Assembly Bill No. 287

CHAPTER 231

An act to add Chapter 14 (commencing with Section 4868) to Division 4.5 of the Welfare and Institutions Code, relating to developmental services.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 287, Beall. Persons with developmental disabilities: employment.

Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive services and supports to meet their needs. Existing law requires that the State Department of Developmental Services contract with private nonprofit corporations for the operation of regional centers to obtain services and supports for an individual with a developmental disability in accordance with his or her individual program plan (IPP).

Existing law establishes an independent State Council on Developmental Disabilities to, among other things, develop and implement the state plan required by the federal government.

This bill would encourage the individual program planning team to discuss school-to-work opportunities for consumers commencing at 14 years of age.

This bill would require the State Council on Developmental Disabilities to form a standing Employment First Committee, as specified, to implement an Employment First Policy by July 1, 2011, and annually thereafter, report to the Legislature and the Governor describing the committee's work and recommendations.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Working age people with disabilities are among the most unemployed and underemployed members of society.

(b) People with developmental disabilities are an important and largely untapped employment resource.

(c) Research demonstrates that wages and hours worked increase dramatically as individuals move from facility-based to integrated employment, and suggests that other benefits include expanded social relationships, heightened self-determination, and more typical job acquisition and job roles.

(d) Recent data indicate that, with 13 percent of working age individuals with developmental and intellectual disabilities in competitive or supported employment, California ranks 41st when compared with other states.

(e) Because the likelihood of individuals with developmental disabilities obtaining employment is greater if they move directly from school to work, education programs should prepare transition age students for employment in community settings.

(f) Increasing integrated and gainful employment opportunities for people with developmental disabilities requires collaboration and cooperation by state and local agencies, including, but not limited to, the State Department of Developmental Services and regional centers, the State Council on Developmental Disabilities, the Department of Rehabilitation, the State Department of Education and local school districts, and the Employment Development Department.

(g) The Legislature places a high priority on providing supported employment and other integrated employment opportunities for working-age adults with developmental disabilities.

(h) In developing the individual program plan pursuant to Section 4646.5 of the Welfare and Institutions Code, planning teams are encouraged to discuss school-to-work opportunities during individual program plan meetings beginning when a consumer reaches 14 years of age, and regional center representatives are encouraged to inform the consumer, parent, legal guardian, or conservator that the regional center is available, upon request, to participate in the consumer's individualized education plan meetings to discuss transition planning.

SEC. 2. Chapter 14 (commencing with Section 4868) is added to Division 4.5 of the Welfare and Institutions Code, to read:

CHAPTER 14. EMPLOYMENT

4868. (a) The State Council on Developmental Disabilities shall form a standing Employment First Committee consisting of the following members:

(1) One designee of each of the members of the state council specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph (2) of subdivision (b) of Section 4521.

(2) A member of the consumer advisory committee of the state council.

(b) In carrying out the requirements of this section, the committee shall meet and consult, as appropriate, with other state and local agencies and organizations, including, but not limited to, the Employment Development Department, the Association of Regional Center Agencies, one or more supported employment provider organizations, an organized labor organization representing service coordination staff, and one or more consumer family member organizations.

(c) The responsibilities of the committee shall include, but need not be limited to, all of the following:

(1) Identifying the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for people with developmental disabilities.

(2) Identifying strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers.

(3) Identifying existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of people with developmental disabilities.

(4) Recommending legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older. This shall include, but shall not be limited to, the development of an Employment First Policy, the intended outcome of which is a significant increase in the number of individuals with developmental disabilities who engage in integrated employment, self-employment, and microenterprises, and in the number of individuals who earn wages at or above minimum wage. This proposed policy shall be in furtherance of the intent of this division that services and supports be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age and that support their integration into the mainstream life of the community, and that those services and supports result in more independent, productive, and normal lives for the persons served. The proposed Employment First Policy shall not limit service and support options otherwise available to consumers, or the rights of consumers, or, where appropriate, parents, legal guardians, or conservators to make choices in their own lives.

(d) For purposes of this chapter, “integrated employment” shall have the same definition as “integrated work” as defined in subdivision (o) of Section 4851.

(e) The committee, by July 1, 2011, and annually thereafter, shall provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed Employment First Policy described in paragraph (4) of subdivision (c).

APPENDIX B

Bureau of Labor Statistics' Current Population Survey (CPS)

How are people with disabilities identified in the CPS?

The CPS uses a set of six questions to identify persons with disabilities. A response of “yes” to any one of the questions indicates that the person in question has a disability. The disability questions appear in the CPS in the following format:

This month we want to learn about people who have physical, mental, or emotional conditions that cause serious difficulty with their daily activities. Please answer for household members who are 15 years old or over.

Is anyone deaf or does anyone have serious difficulty hearing?

Is anyone blind or does anyone have serious difficulty seeing even when wearing glasses?

Because of a physical, mental, or emotional condition, does anyone have serious difficulty concentrating, remembering, or making decisions?

Does anyone have serious difficulty walking or climbing stairs?

Does anyone have difficulty dressing or bathing?

Because of a physical, mental, or emotional condition, does anyone have difficulty doing errands alone such as visiting a doctor's office or shopping?

Labor force measures from the CPS are tabulated for persons age 16 and older.

Does each of the questions identify a group with a specific disability?

The set of six questions was added to the CPS in order to satisfy the requirement specified in Executive Order 13078 to measure the employment status of persons with disabilities in aggregate on a timely basis. The Executive Order did not require the identification or

measurement of specific disabilities. Extensive research conducted as part of the effort to include disability questions in the CPS demonstrated that it is very difficult to accurately measure all persons with disabilities using only a few questions. In like manner, research has also shown that it would be difficult to accurately identify persons with a specific type of disability using only one question. For example, questions tested during the research process that were designed to elicit positive responses from persons with one type of disability were equally likely to identify persons with other disabilities as well. (Cognitive reports that show such results are available from the BLS upon request, and from the Census Bureau's [2006 ACS Content Test Report Series](#), report P.4 ([PDF](#)).) Given this research and the relatively small sample size of the CPS, data users are advised to avoid using the CPS for the purpose of identifying persons with specific disabilities.

Do the CPS data measure the total size of the disability population?

The CPS will not provide a measure of the total size of the disability population. The CPS estimates are limited to the civilian noninstitutional population 16 years and older. Thus, it does not include persons who live in institutions – such as prisons, long-term care hospitals, and nursing homes – or those who are on active duty in the Armed Forces. Health-focused surveys typically use dozens of questions to identify all persons with disabilities. It is likely that the relatively small number of disability-related questions in the CPS could fail to identify some people with disabilities.

APPENDIX C

Placeholder for DOR data

DRAFT

APPENDIX D

Placeholder for DDS data

DRAFT

APPENDIX E

Employment First Committee Members

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APPENDIX F

Abbreviations

ARCA: Association of Regional Center Agencies

CDE: California Department of Education

DDS: Department of Developmental Services

DOR: Department of Rehabilitation

EDD: Employment Development Department

EFC: Employment First Committee

IPE: Individualized Employment Plan

LEA: Local Educational Agency

SCDD: State Council on Developmental Disabilities

UCEDD: University Center for Excellence in Developmental Disabilities

VR/WAP: Vocational Rehabilitation/Work Adjustment Program

WAP: Work Adjustment Program

APPENDIX G

Glossary

Competitive Employment

Competitive employment is work in the labor market that is performed on a full-time or part-time basis in an integrated setting for which the individual is compensated at or above minimum wage with related health and employment benefits, but not less than the customary and usual wage paid by an employer for the same or similar work performed by individuals who are not disabled.⁹⁹ Also, the individual has the opportunity for advancement and mobility.

Employment

Employment is an activity performed by an individual where there is an expectation of wages for services rendered and the services are for the primary benefit of the employer.¹⁰⁰ Alternatively, employment may refer to any income generating activity.

Enclaves

See Supported Employment, Group Placement

Integrated Employment¹⁰¹

Integrated employment is employment that occurs in a typical work setting where the employee with a disability interacts or has the opportunity to interact continuously with co-workers who may or may not have a disability.

Integrated Competitive Employment¹⁰²

⁹⁹ Segregated and Exploited, National Disability Rights Network, 2011, retrieved from <http://ndrn.org/en/resources/publications.html> on February 8, 2011

¹⁰⁰ Segregated and Exploited, National Disability Rights Network, 2011, retrieved from <http://ndrn.org/en/resources/publications.html> on February 8, 2011

¹⁰¹ From CPD Response to Harkin Disability Employment Summit, October 2010

¹⁰² From CPD Response to Harkin Disability Employment Summit, October 2010

Integrated competitive employment is work compensated at prevailing wages with related health and employment benefits, occurring in a typical work setting where the employee with the disability interacts or has the opportunity to interact continuously with co-workers who may or may not have a disability, and has an opportunity for advancement and mobility.

Individual Plan for Employment

An Individual Plan for Employment (IPE) is developed and implemented based upon services identified in the plan and provided and/or funded by the Department of Rehabilitation.

Local Educational Agency

Local Educational Agency means a school district, a county office of education, a nonprofit charter school participating as a member of a local special education local plan area, or a special education local plan area.¹⁰³

Microenterprise

For the purpose of this report, microenterprises are small businesses owned by individuals with developmental disabilities, with accompanying business licenses, tax payer identification numbers other than social security numbers, and separate business bank accounts.

One-Stop

One-Stop Job Centers are government funded job centers that help workers find jobs and help employers find workers. California has over 220 One Stop Job Centers, with at least one in every county.

Project SEARCH

Project SEARCH creates partnerships between numerous sectors: businesses, education, vocational rehabilitation, and providers. This results in integrated jobs where people with developmental disabilities earn prevailing wages working 20 hours per week or more. The process is

¹⁰³ California Education Code Section 56026.3

business-led, whereby businesses participate without subsidy to fill their high turnover positions, resulting in increased retention and productivity. For more information, please visit <http://www.projectsearch.us/>.

Self-Determination/Self-Directed Services

Self-determination is a service model whereby an individual with a developmental disability works within a budget to select, hire, and manage their services providers, which may or may not include a supports broker (a person hired to help the individual with a developmental disability to plan, find, and direct provided services and supports) or a financial management service (to help manage the budget and employer duties). For more information, please visit <http://www.dds.ca.gov/SDS/Index.cfm>.

Sheltered Work Settings/Sheltered Workshops

Sheltered work settings are also known as sheltered workshops, affirmative industries, training facilities, and rehabilitation centers. These facilities generally offer a segregated work setting where individuals with developmental disabilities typically earn subminimum wage engaged in unskilled manual labor, such as packaging and sorting.

Subminimum Wage

Section 14(c) of the Fair Labor Standards Act allows employers to pay individuals less than the minimum wage if they have a physical or mental disability that impairs their earning or productive capacity.¹⁰⁴

Supported Employment

Supported Employment Programs provide paid work opportunities in the community using group or individual placements. The programs are aimed at finding competitive work in a community integrated work setting for persons with disabilities who need ongoing support services to learn and perform work.

Supported Employment, Group Placement

¹⁰⁴ Segregated and Exploited, National Disability Rights Network, 2011, retrieved from <http://ndrn.org/en/resources/publications.html> on February 8, 2011

Group placements consist of training and supervision of an individual while engaged in work as part of a group in an integrated community setting. The ratio of supervision for work crews is set at a minimum of 1:4 and up to 1:8. Consumers on work crews are provided full guidance and supervision throughout the course of the work day.

Supported Employment, Individual Placement

Individual placements consist of job placement in community business settings. A job coach meets regularly with the individual to provide training and supervision to help him or her maintain the necessary skills and behaviors to work independently. As the individual gains mastery of the job, the job coaching time and support services are gradually reduced or phased out.

VR/WAP

Vocational Rehabilitation/Work Activity Programs (VR/WAP) are DOR-funded services available to individuals with developmental disabilities who are in work activity programs. The program objective of VR/WAP is to prepare individuals with developmental disabilities to become employed in the community. The individuals served in this program have expressed a desire for community employment and require assistance to overcome barriers that are preventing them from pursuing that objective. A component of this program may include Personal Vocational Social Adjustment (PVSA) services for those who need them.

Work Activity Programs

Work activity programs (WAP) provide sheltered employment training for individuals who are not prepared for or who may not desire competitive employment in an integrated community work setting. A WAP serves only individuals served by regional centers and is not time limited. An individual with developmental disabilities is generally referred to sheltered employment when there is no immediate goal for supported employment. Individuals with developmental disabilities in WAP must be able to work at 10% productivity or better.

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